

Crawley Borough Council

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Report to Overview and Scrutiny Commission

7th October 2013

Report to Cabinet

9th October 2013

Amendment to the Housing Allocations Scheme in response to Opportunities offered through the Localism Act 2011

1. Key Points

- 1.1 This report seeks approval to make changes to the Council's Housing Allocations Scheme in response to opportunities arising out of the Localism Act 2011 which afford the Council greater discretion in determining allocation priority and to continue to make best use of all available housing options in addressing housing need.

2. Recommendations

2.1 To the Overview and Scrutiny Commission

- 2.1.1 That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

2.2 To the Cabinet

It is RECOMMENDED that Cabinet:

- 2.2.1 Consider and note the contents of this report.
- 2.2.2 Request that Full Council consider this report including the results of the consultation process undertaken in respect of the proposed changes.
- 2.2.3 Request that Full Council approve the amendments to the Housing Allocations Scheme as set out in Appendix A to this report to take effect from 16th December 2013 or such subsequent date (to be no later than 6th January 2014) as may be agreed by the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Housing.

Diana Maughan
Head of Strategic Housing and Planning Services

3. Background

- 3.1 The Council's Housing Allocations Scheme sets out the Council's policy for determining priorities and the procedure to be followed in relation to the allocation of social rented housing in the borough. By law every Local Authority must have an allocations scheme which must be published and kept under review. Allocations can only be made in accordance with the scheme.
- 3.2 The law relating to allocations is set out in Part 6 of the Housing Act 1996. The Localism Act 2011 amended Part 6 of the Housing Act 1996 and these changes took effect on 25 June 2012.
- 3.2 Regular reviews of the Scheme are carried out to ensure that it is in compliance with legislative changes and continues to be effective in addressing housing needs. The last full review took place in August 2011 and since then a number of minor changes under delegated powers have been made, the most recent to address blockages within temporary accommodation while ensuring that the needs of homeless families were balanced against those of other applicants in high levels of housing need. Other minor changes were required because of a change in legislation, including giving additional preference to current or former members of the armed forces in housing need.
- 3.3 This year there are a number of drivers for considering amendments to the Council's Scheme, including:
- The continuous rise of homeless households and the pressures on bed and breakfast and temporary accommodation within the borough.
 - Welfare reform and the impact on those who live in under-occupied social housing.
 - Utilising the legislative changes brought in by the Localism Act 2011 which afford the Council greater discretion in tailoring allocation policy to meet local needs.
- 3.4 The changes made following the 2011 review of the Scheme took into account some anticipated changes to the legislation to ensure that the Scheme continued to be framed correctly. An important consideration for the Council in revising the current Scheme is the need to balance the opportunities for greater local discretion with the continuing statutory requirement to ensure that those in the greatest housing need through homelessness, overcrowding, medical needs, unfit housing (the "reasonable preference" groups) continue to be afforded appropriate priority.

4. Rationale for change

- 4.1 The Council currently operates an open waiting list and anyone can join provided they meet the minimum statutory criteria. The current position is that an applicant who does not have a local connection to Crawley may be accepted onto the register but in most cases their priority will be reduced to reflect their lack of local connection. The Scheme also currently provides that priority may be reduced for applicants who have deliberately not paid their rent or mortgage payments and have significant arrears. The same applies for applicants found to be guilty of anti-social behaviour and for those who have the financial means to secure their own accommodation.
- 4.2 Before the amendments to the legislation by the Localism Act 2011, the Council could only allocate housing to a person who was "eligible". The law prescribed who would be ineligible due to their immigration status but also permitted local authorities to choose to treat people as ineligible if they had been guilty of certain unacceptable behaviour, such as rent arrears or anti-social behaviour.

- 4.3 The amended legislation now requires that an applicant must be both “eligible” and “qualifying” to be allocated accommodation. The changes have limited the eligibility criteria to immigration status only, but specified that a person may not “qualify” because of their behaviour, or for other reasons. The changes mean that the Council can now decide what classes of persons are, or are not, qualifying persons for an allocation of accommodation (and therefore to join the housing register).
- 4.4 For example the Council may now chose to include in its Scheme criteria which would restrict access to the housing register for applicants:
- without a **strong** local connection to Crawley,
 - with a poor tenancy history (guilty of anti-social behaviour or deliberately not paying rent),
 - with the financial means to resolve their own housing situation, and
 - who are **unlikely** to be offered social housing in the future because their circumstances are such that they are assessed to not be in housing need.
- 4.5 Additionally the Scheme as currently worded allows applicants to receive up to 3 offers of suitable accommodation after which their priority is reduced. This means that although the choice based lettings scheme enables applicants themselves to select the properties they wish to be considered for, they are still able to reject 3 offers of properties before their priority is reduced. Through the systems thinking work, we have established that more than half of refusals come from applicants in high housing need on the grounds of aspiration rather than what they actually need from a social rented home. Through our systems thinking work we know that in most cases an applicant will refuse properties because they know that the Council will soon offer them another property, which might be in what they perceive to be a more desirable location or a property more to their personal taste.

Recent examples

- (A) *An applicant and her partner with 3 children were prioritised on the housing register because they were overcrowded and were lacking 2 bedrooms. The family had been living in this overcrowded accommodation for just over 15 months. They had the opportunity of placing bids for 3 different three bedroom houses. They were successful with their bid on a three bedroom house in Tilgate and offered the property. They refused the offer because they felt the lounge area was too small.*
- (B) *A homeless couple in bed and breakfast accommodation with their two children were successful with a bid on a three bedroom house and were offered the property. This was refused on the grounds that the garden was not flat and had a dip towards the rear. The family had no requirements for a flat garden. No further offers were made for 6 weeks. During this time the Council had the duty to continue providing them with costly bed and breakfast accommodation.*
- 4.6 The average cost to the Council for each refusal (and subsequent re-let) is £300. This takes into consideration the loss of rent, administration and staff viewing time. It excludes costs which fall to the Council if the family is in bed and breakfast accommodation or blocking throughput in other forms of temporary accommodation.
- 4.7 During the period January 2013 to July 2013 a total of 52 housing register applicants refused an offer of accommodation for a property they had chosen because they decided they did not like the property. Not all applicants viewed the accommodation they were offered.

5. Proposed Changes

- 5.1 A number of changes are proposed to the Allocations Scheme following a review of the Scheme by officers who had regard to the initial consultation feedback and to relevant government guidance, in particular the 2012 guidance published by government following the amendments to Part 6 of the Housing Act 1996 made by the Localism Act 2011. These proposed changes are summarised below.
- 5.2 It is proposed that the Scheme be amended so that the following classes of persons would not be deemed to be qualifying persons:
- 5.2.1 Applicants who neither reside or have a local connection to Crawley. It is proposed that those applicants without a local connection to Crawley as set out in proposed paragraph 2.4.2.1 of Appendix A will not qualify. For all applicants currently on the housing register it is proposed that they will be given an opportunity to demonstrate that they meet this local connection qualifying criteria. If they do not, they will then be removed from the housing register and provided with advice and support to access the alternative housing options that may be available to them.
- 5.2.2 Applicants with rent or mortgage arrears. It is proposed that applicants who have rent or mortgage arrears in excess of £1000 will not qualify, unless they can demonstrate exceptional circumstances. Applicants may apply again once they can demonstrate their arrears have been cleared or reduced to an acceptable level. Applicants who are currently on the housing register with this level of rent or mortgage arrears will be removed and provided with information on alternative housing options unless there are exceptional circumstances. See the full detail of this proposal at paragraph 2.4.2.2 of Appendix A.
- 5.2.3 Applicants/households guilty of unacceptable behaviour. It is proposed that new and existing persons/households whose behaviour, either current or in the past, which is deemed to be unacceptable and continues to make them unsuitable to be a tenant will not qualify. See the full detail of this proposal at paragraph 2.4.2.3 of Appendix A.
- 5.2.4 Applicants with sufficient financial resources to secure their own accommodation. It is proposed that new and existing households who have the financial means to resolve their housing situation will not qualify. See the full detail of this proposal at paragraph 2.4.2.4 of Appendix A.
- 5.2.5 Applicants with no demonstrable housing need. New applicants with very low or no demonstrable housing need and therefore no prospect of being considered for social housing will no longer be eligible to join the housing register. Instead, the Council will provide comprehensive advice on all other options available such as private renting, shared ownership, and mutual exchange. The full detail of this proposal is at paragraph 2.4.2.5 of Appendix A. This proposal will help in managing expectations and giving people realistic options and at the same time reducing costs to the Council of administering the housing register. Applicants with little or no housing need who are currently on the housing register will be able to remain but will also be offered advice on other more realistic options.
- 5.2.6 'Non-homeless' applicants who refuse 2 offers of suitable accommodation. Applicants are able to express their interest on any number of suitable properties through the choice based lettings scheme. However, it is proposed that applicants who reject 2 offers of suitable properties will no longer qualify unless there are exceptional circumstances. The full detail of this proposal is at paragraph 2.4.2.6 of Appendix A.

5.3 There are a number of amendments to the Scheme required as a consequence of the above proposed amendments. Further, officers also propose that other parts of the Scheme are reworded to ensure it continues to be fit for purpose whilst clearly setting out the way in which council housing (including those owned by housing associations) is allocated. This rewording will not directly affect the eligibility, qualification or priority of any new or existing applicants, and a full version of the Scheme incorporating all the proposed amendments is at Appendix A.

6. Consultation

6.1 Initial consultation was carried out earlier this year with Housing Register applicants and members of the public to get feedback on the possible options available to the Council following the changes to the legislation by the Localism Act 2011. This was carried out online via the Council website and on the Council's Homechoice website where applicants access their own housing register accounts, and was also publicised via Facebook and Twitter.

6.2 The initial consultation covered some of the key proposed changes listed at section 5.2 of this report. There were 100 respondents, 42 of whom were on the housing register, 5 in the process of applying and 53 not currently on, or in the process of applying to join, the housing register. Most respondents supported the proposals and felt that the Council should continue to prioritise local people for Council housing and exclude some applicants at the point of registration.

6.3 In summary the results of this initial consultation were:

- 88% (88 respondents) agreed that people not meeting the proposed residency criteria and with no local connection should not be able to join or remain on the housing register.
- 67% (67 respondents) agreed that people with little or no housing need and therefore little or no prospect of being offered social housing should not be able to join the housing register. Offering advice on other housing options as an alternative was strongly supported.
- 87% (87 respondents) agreed that applicants with a history of anti-social behaviour or higher level arrears should be excluded from the housing register.

6.4 The initial consultation showed that there was understanding that demand for social housing considerably outstrips supply and those in Band C and below have little or no prospect of being offered a council or housing association tenancy either now or in the future.

6.5 The Council also recently contacted low priority applicants offering advice on alternative housing options that may be available to them. Advice on their very limited chances of being offered social rented housing in the Borough was also given. As a result around 500 applicants decided not to renew their application but instead look for alternative housing solutions if they had not done so already.

6.6 Legislation requires that the Council send any proposed alteration to its Scheme which reflects a major change of policy to all Housing Associations in Crawley, and afford them a reasonable opportunity to comment on the proposals.

6.7 The changes proposed in section 5.2 of this report were submitted to Housing Associations. Only Moat Housing formally responded to this statutory consultation process stating that they supported the proposed changes to the Scheme.

7. Implementation

- 7.1 It is anticipated that implementation of the changes should be achievable within 6-8 weeks of the Full Council decision so that the revised Allocations Scheme could take effect from Monday 16th December 2013. However, if due to operational reasons this date cannot be achieved, the recommendation includes provision for a later date for it to take effect to be agreed by the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Housing. If the changes take effect from a later date then the wording in Appendix A referring to 16th December 2103 will be amended to reflect this later date.

8. Ward Members' Views

- 8.1 The proposals are not ward-specific but are supported by the Cabinet Member for Housing.

9. Staffing, Equalities, Financial and Legal Implications/Powers

- 9.1 An Equalities Impact Assessment has been completed. There is no negative impact on any particular equalities group as it is based on housing need. The housing register and letting of accommodation will continue to be monitored to ensure that no particular group is disadvantaged in having access to the service.
- 9.2 There are no staffing or financial implications and any cost to re-assess housing applications will be met from existing budgets.
- 9.3 The Council has a number of statutory obligations in relation to housing allocations. These obligations include having a published criteria and policy which meets the requirements of the legislative framework and complies with current guidance and case law. The Scheme must clearly detail both the priorities and procedures for operation of the Scheme.

10. Risk Implications

- 10.1 The major risk comes from not updating the Scheme in accordance with changes in housing law and practice, and in accordance with the Council's equalities duties. The proposed amendments to the Scheme (as set out in Appendix A) does this.
- 10.2 The Council has a statutory duty to regularly review and revise its allocations policy in response to changing legislative and housing need requirements.
- 10.3 The operation of the Allocations Scheme is a key tool in managing homelessness and ensuring throughput within temporary accommodation. Silting up of this accommodation drives the need to seek more costly and out of borough solutions.
- 10.4 Given that the demand for social housing outstrips supply the Council needs to ensure that allocation policy takes account of the local housing situation and prioritises accordingly so that those in the greatest need continue to be able to access housing.
- 10.5 The housing register and access to social housing is one of a number of housing options. Addressing housing need requires the Council to be in a position to maximise the use of the whole housing stock, both public and private sector and the way in which the allocation policy is framed is key to achieving this.

10.6 Systems thinking review work has shown that the way in which policy is currently framed is driving behaviours which result in the Council incurring additional costs and some applicants in high levels of housing need who would accept the offer of a property waiting longer as a result of other applicants electing to refuse reasonable offers.

11. Reason for the Recommendation

11.1 The recommendation is made to so that the Council's Allocations Scheme fairly prioritises those eligible applicants in the greatest housing need, and so that the Council continues to meet the needs of the local community by:

- introducing residency, behaviour and arrears qualifying criteria; and
- making best use of the available social housing stock in the Borough.

12. Background papers

Nil

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Proposed amended Crawley Borough Council Housing Allocations Scheme

1. Introduction to the Crawley Borough Council Housing Allocations Scheme

Part 6 of the Housing Act 1996, as amended ("*the Act*"), requires all local authorities to have an allocation scheme for determining the priorities and for defining the procedures to be followed in the allocation of housing accommodation.

The purpose of this document is to set out Crawley Borough Council's ("the council") housing allocations scheme, by setting out the general policies relating to the allocation of social housing and the procedures and processes used by officers to implement those policies.

The scheme has been developed with regard to the council's statutory duties, other obligations and its published Homelessness Strategy, Tenancy Strategy and Tenancy Policy.

Statement on the protection of public funds

The council is committed to the protection of public funds entrusted to it. The allocation of social housing in the borough via this allocation scheme is considered to be the allocation of a public fund. The council will seek to ensure that all allocations (under Part 6 of *the Act*) are in accordance with this scheme and that all applicants on the housing register are subject to thorough verification and identity check to minimise losses to fraud and corruption.

Statement on choice and the expression of preferences

The council is committed to giving housing register applicants greater choice in where they live. Our aim is to take account of peoples' views about where they wish to live and what sort and size of accommodation they wish to occupy and who they wish to have as a landlord. The council will seek to balance the real housing needs of people who apply for housing with the need for sustainable communities where people want to live.

To help applicants make informed choices about their future housing we will provide wherever possible accurate and relevant information about the supply and demand of housing in the borough and their prospects for being housed in the area they wish to live.

The council operates a system of choice-based lettings in which applicants are encouraged to actively search for a home. Vacant social rented housing (and other types of tenure where available) are advertised and applicants are able to express an interest or "bid" for suitable homes they like.

The council will also make available information about, and access to, other affordable housing options available: for example affordable housing schemes are advertised through the website and a matching service is available through a nationwide internet site (currently Homeswapper) for current social housing tenants wishing to explore the option of a mutual exchange.

Types of tenancies

This document sets out how the council selects people to make an offer of a Crawley Borough Council tenancy to them or selects people to nominate them to be a tenant of another housing provider.

The council has decided that the majority of all offers of tenancies made on or after 1 April 2013 in respect of its own properties will be on the basis of an introductory tenancy which, at the end of the introductory period, will become a 5 year fixed term flexible tenancy. Full details about the types of tenancy, tenure and the circumstances in which flexible tenancies may be renewed are set out in the Council's Tenancy Policy.

The tenancy policy of other registered providers should set out information about the types of tenancy which may be offered by them when the Council makes a nomination in accordance with this Scheme.

Note: Flexible tenancies are a type of secure tenancy which can be granted by the Council under the Housing Act 1985 as amended.

1.1 What is an allocation covered by this scheme?

The Act states that a local authority allocates housing accommodation when they:

- Select a person to be a secure or introductory tenant of housing accommodation held by them; or
- Nominate a person to be a secure or introductory tenant of housing accommodation held by another housing provider; or
- Nominate a person to be an assured tenant of housing accommodation held by a private registered provider of social housing or a registered social landlord.

Amendments to section 159 of *the Act* made by the Localism Act 2011 provide that Part 6 does not apply to an allocation of accommodation by a housing authority to a tenant of a local authority or Private Registered Provider unless:

- the allocation involves a transfer made at the tenant's request, and
- the authority is satisfied that the tenant has reasonable preference.

This means that transfers at the tenant's request, where the council is satisfied the tenant does not have reasonable preference, do not fall within Part 6 and therefore the council is no longer required to include allocations of accommodation to these tenants in its allocations scheme. The council has decided, whilst the Council considers more fully the implications of the changes to Part 6 of *the Act* made by the Localism Act 2011, to continue with a single allocation system, and so allocations to those tenants applying to transfer who are not in the reasonable preference categories will be made in accordance with this scheme.

The council allocates properties in 1 of 2 ways: either (1) through the choice based lettings scheme or (2) by direct let. This is explained in detail further on in this document.

1.2 What is NOT an allocation covered by this scheme?

The following situations are also not covered by this scheme (and therefore outside the scope of the provisions of document):

- Succession to an introductory or secure tenancy on the death of the previous tenant;
- Assignment of an introductory or secure tenancy by way of mutual exchange;
- Assignment of an introductory or secure tenancy to a person who would be qualified to succeed to the tenancy on the death of the current tenant;
- Transfer of an introductory or secure tenancy pursuant to a court order under family law provisions or the Civil Partnership Act 2004;
- An allocation to an existing introductory or secure tenant, unless the allocation involves a transfer of accommodation for that person and is made on his/her application. For example if the council requested an existing tenant to consider moving to a smaller property because their home is too large for them and they had not asked the council for a transfer in the first place, then the tenant's move to the smaller property is not an allocation and therefore not covered by the scope of this document;
- Where a person becomes a secure tenant on ceasing to be an introductory tenant;
- Where a secure tenancy is granted in response to a request under section 158 of the Localism Act 2011; and
- The provision of temporary accommodation by the council to homeless persons pursuant to the provisions of Part 7 of *the Act*.

Assistance given by the council to people to secure all other types of accommodation also falls outside the scope of this document.

1.3 The allocation scheme and the housing register

The council operates a housing register which is a list of people (referred to as applicants) who have applied to the council for housing. This includes people who are current social tenants and who want to transfer to another property and those that are not.

The purpose of this document is to set out:

- Who is eligible to join the housing register
- Who is eligible for an allocation and who are qualifying persons.
- How the housing register is maintained.
- How the council determines priorities within the allocation scheme using a banding scheme.
- How applicants are allocated properties (through the choice based lettings scheme and by direct let).
- How applicants can request a review of certain decisions made on their application..

1.4 Choice based lettings and direct lets

The majority of available properties are allocated via the council's choice based lettings scheme. This method of allocating available accommodation involves the applicant making an expression of interest, otherwise known as a bid, in respect of a property that has been advertised. The way in which this happens is described in further detail at **section 5**.

All other allocations under this Allocations Scheme are direct lets. See **section 6** for more information.

1.5 Equality and diversity

The council is committed to the principle of equal opportunity and accessibility in relation to affordable housing. We seek to ensure that all housing applicants are treated fairly and that no one receives less favourable treatment on the grounds of age, disability, gender, religion, race, ethnic or national origin, sexual orientation, or any other factor that might cause disadvantage that cannot be justified.

All council staff involved in decisions made in accordance with this document has had relevant training in this area.

The council is committed to helping anyone who needs assistance in accessing affordable housing in the borough. The council's Housing Allocations Team will work closely with all agencies to assist customers wherever possible.

In order to ensure that all applicants are treated fairly, black and minority ethnic and other monitoring information is requested on the housing register application form. Additionally, monitoring of the allocation of accommodation to black and minority and other groups is undertaken.

2. The housing register

In order to be offered an allocation under this Scheme, or to take part in the choice based lettings scheme, a person has to be on the council's housing register. Only persons who are both eligible for an allocation and are qualifying persons may join Crawley Borough Council's housing register, except where expressly provided for in this document.

This section sets out:

- How to make an application to join the register.
- Who can join the register.
- Who is eligible for an allocation and who are qualifying persons.
- The types of information held on the register.
- The right to information and confidentiality.
- How the register is kept up to date.

2.1 Making an application to join the housing register

An application to join the Housing Register must be made using the council's housing application form. Application forms are available at the Town Hall or can usually be

downloaded from the council's website at www.crawley.gov.uk.

Married, civil partners and cohabiting couples and same sex couples who wish to live together can make joint applications. In such cases, it is usual for a joint tenancy to be granted in the event of an offer of accommodation being made.

Before an application can be processed, a completed application form, together with all relevant proof required, must be received by the council.

The council will wherever possible give advice to people who wish to join the housing register, such as how to complete the form and their prospects for re-housing. If it appears to council officers that it is unlikely that the council will be able to meet the housing aspirations of some applicants, advice will be given on alternative options that may be available to them so that those applicants can make an informed decision as to whether they wish to join the housing register.

Assistance for our customers who cannot complete application forms without help is available free of charge. This can be arranged by contacting the council on 01293 438000.

A summary of the council's housing allocations scheme is available on the website and in leaflet form from the Town Hall offices.

2.2 Other household members

An applicant can include any household member on their housing application providing it is reasonable to expect them to reside with the applicant on a permanent basis. If a council Housing Needs Officer decides that a person included on an application form is not a person who would reasonably be expected to reside with an applicant on a permanent basis, then that person will not be considered a member of the applicant's household when making decisions under this Housing Allocations Scheme.

In order for a child to be included in an applicant's household for the purpose of joining the housing register, the applicant (or another member of the applicant's household) must be the person with primary care responsibilities for that child. A child can only be included on more than one person's housing application form in exceptional circumstances where parenting duties fall equally on 2 parents or carers.

Where an applicant requires a live-in carer, the live-in carer will be considered part of the applicant's household.

Where deemed necessary, the council's Allocations Team may request proof from the applicant in order to determine that it is reasonable for household members to be included as part of the application. A common example would be the proof of custody for children following relationship breakdown, or proof that the applicant requires a live-in carer.

2.3 Who may join the housing register?

The Act prohibits the council from allocating housing accommodation to a person unless the person is both eligible and qualifying.

Anyone aged 16 or over who is who is eligible and qualifying can join the Housing Register, however, applicants aged 16 or 17 will not be offered an allocation or be able to bid for properties until they reach the age of 18.

2.3.1 Transfer applicants

Existing tenants of the council, Housing Associations and other social housing providers (such as other councils) who wish to transfer to another property with the same or different landlord may register on the housing register and will be considered for an allocation of accommodation through the choice based lettings process in the same way as other applicants. However, in most cases will still need to go through the checks for qualification as explained in **section 2.4** with the exception that existing social housing tenants residing in Crawley will not need to fulfil the qualification criteria in 2.4.2.1.

Priority is given to the council's tenants and Housing Association tenants within the borough who as a result of moving will free up bedrooms. For example a tenant wishing to move from a four bedroom house to a smaller two bedroom property will be placed into Band A+. Further details are explained in **section 3.2**. In some circumstances such applicants may be offered a direct let because there is a significant need for the type and/or features of the accommodation that they will be giving up. Details of this are set out in **section 6**.

2.4 Eligible and qualifying persons

2.4.1 Eligibility

Legislation requires that certain people subject to immigration control are ineligible for an allocation. In determining whether a person is ineligible, the council will apply whatever law is in place at the time of application and again when considering someone for an allocation.

Eligibility can change with a change of immigration status, and therefore, eligibility for an allocation of housing will be kept under review. However, the applicant is responsible for informing the council of any change in immigration status.

Decisions as to eligibility based on an applicant's immigration status will be made by a Housing Needs Officer after taking into account information from the Home Office or Border Agency (or other appropriate government department) and by applying relevant legislation and statutory instruments that are in place at the time of the application.

2.4.2 Qualification

The Act permits the council to decide what classes of persons are, or are not, qualifying persons.

All applicants are qualifying persons unless the council decides that they are not a qualifying person in accordance with the provisions below.

A decision that an applicant is not a qualifying person may be made at the time an applicant applies to join the housing register, at any time during the currency of an application or just prior to being considered for an offer of an allocation. This may depend on when the relevant information came to the council's attention.

Decisions as to whether an applicant qualifies in accordance with the criteria below will be made by Housing Needs Officers.

The Council may decide that an applicant's circumstances are so exceptional such that they should qualify even though they do not otherwise meet the qualifying criteria below. Except as specified below, these decisions will be made by the Housing Needs Manager.

2.4.2.1 Qualification – local connection and residency

Applicants* who fulfil any of the following categories will be assessed as meeting the local connection and residency criteria and will qualify for an allocation.

- Applicants who have lived continuously (without a break) in the Borough of Crawley for 3 years immediately prior to the date of the housing register application.

NB. Applicants who move away from the Borough of Crawley after joining the Housing Register will no longer meet this criteria and will not qualify and their application will be removed from the housing register. Applicants in this situation will again qualify once they have returned and continuously lived in the Borough of Crawley for 3 years starting on the date of their return.

- Applicants with an immediate family member (mother, father, brother, sister, son, daughter) who are currently living in Crawley and has done so continuously for at least five years or more.
- Applications who have held permanent paid employment in Crawley for the last 5 years or who have a confirmed offer of permanent employment lasting for more than 2 years.

*The above qualifying criteria does not apply to:

- an applicant who is a “relevant person” within the meaning of the *Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012* (SI 2012/1869).
- an applicant to whom Crawley Borough Council have accepted the main housing duty (under section 193 of the Housing Act 1996) and who has been placed in temporary accommodation.

We will check all of the above when a person first applies and when an applicant is offered accommodation. Applicants will be required to evidence that they meet the local connection and residency qualifying criteria.

If an applicant cannot prove they meet the local connection and residency qualifying criteria they will be a non qualifying person and their application will be rejected, or if they are already on the housing register, their application will be removed from the housing register.

2.4.2.2 Qualification – failure to pay rent or mortgage payments

Applicants who have rent or mortgage arrears of over £1,000 will be assessed as a non qualifying persons and will not be permitted to join the housing register unless there are exceptional circumstances as assessed by a Housing Needs Officer, and the Officer agrees otherwise.

2.4.2.3 Qualification – general behaviour

If an applicant or a member of his/her household has perpetrated anti-social behaviour where either a possession order is being sought or has been obtained, or where the anti-social behaviour is of a level which would warrant eviction or other legal action, then the applicant will be assessed as a non qualifying person.

If an applicant or a member of his/her household has displayed threatening, violent or otherwise abusive behaviour towards a Council employee, Councillor or an employee of

another social housing provider (including private landlords), then the applicant will be assessed as a non qualifying person.

If an applicant or a member of his/her household has deliberately or recklessly withheld or misrepresented any information which would be relevant to the assessment of his or her housing application, including but not limited to their current or former housing circumstances or any information relating to their housing need, then the applicant will be assessed as a non qualifying person.

If an applicant or a member of his/her household has been, or is, the perpetrator of domestic violence or harassment, then the applicant will be assessed as a non qualifying person.

If an applicant or a member of his/her household has been a tenant of any local authority or social rented housing provider and has breached tenancy conditions which led to his/her eviction, or to him/her abandoning a property prior to court proceedings, then the applicant will be assessed as a non qualifying person.

2.4.2.4 Qualification – Financial resources and homeownership

The following people with sufficient financial resources (as defined below) to secure their own accommodation will not qualify for an allocation:

- Any applicant or their partner (but not spouse) who owns or part owns accommodation or who has a legal interest through marriage in accommodation owned by their spouse regardless of their circumstances will be assessed as a non qualify persons. If as a result of divorce proceedings the court has ordered that the applicant may not reside, for a period which is likely to exceed five years, in the former matrimonial home in which they still have an interest, then the application will be treated as if they do not own or part own accommodation.
- Any applicant who, together with their partner (spouse, civil partner or person with whom they live as if married or in a civil partnership), if any, has the financial resources available to purchase suitable accommodation in the borough.

“Sufficient financial resources” above means:

- Sufficient capital (savings or other income) to buy residential accommodation suitable for them and the people who would ordinarily be expected to reside with them; or
- Sufficient income (employment or other income) to raise a mortgage to buy residential accommodation suitable for them and the people who would ordinarily be expected to reside with them; or
- a combination of both.

When deciding if an applicant has sufficient income to raise a mortgage to buy residential accommodation, it is considered that normally a mortgage can be obtained amounting to 3 times a single annual income or 2.5 times joint annual incomes.

Where an applicant is prevented from raising a mortgage because of previous bad debt, but would otherwise have sufficient income to raise a mortgage, the applicant will be expected to clear these debts and apply for a mortgage. Whilst the debt is being cleared the applicant will remain assessed as non qualifying person.

The income of an applicant, or in the case of an applicant who has a partner, their joint income, will be taken into account when his or her application is assessed. Where there is a

net income (gross less tax and national insurance) of over £45,000 per annum the applicant will be assessed as a non qualifying person.

In deciding whether an applicant is a non qualifying person under this section a Housing Needs Officer will take into account all circumstances including:

- the alternative housing solutions that may be available to them for example, low cost home ownership, renting in the private sector, purchasing a property on the open market as explained above or funding adaptations to his or her current home; and
- the individual circumstances of the applicant and his or her household, for example, the number of dependants, the nature and security of the income, age, vulnerability and health.

2.4.2.5 Qualification – Applicants with very low or no demonstrable housing need and who apply on or after 16th December 2013 who do not meet the criteria as set out in Bands A+, A and B

The Council will no longer maintain a housing waiting list for those households that it is unable to help access a council or housing association rented home.

Applicants who apply on or after 16 December 2013 and are considered not to have a housing need or a very low housing need will be assessed as a non qualifying persons. This applies to all applicants who do not meet the criteria for Band A+, A or B.

Applicants who do not qualify under this section will be signposted to the Council's Enhanced Housing Options website or be given comprehensive advice on all other options available such as private renting and shared ownership etc. Existing social housing tenants who do not qualify under this section will be given advice on how to exchange their home with another tenant to resolve their housing aspiration.

2.4.2.6 Qualification – Refusal of an offer of accommodation

Homeless applicants to whom the Council has confirmed it owes the main duty under section 193 of the Housing Act 1996 who refuse an offer of suitable accommodation through this scheme will be assessed as a non qualifying person and their application will be removed from the housing register. Further details can be found at **section 5.8**.

All other applicants who refuse two offers of suitable accommodation through this scheme will be assessed as non qualifying persons and their application will be removed from the housing register. Further details can be found at **section 5.9**.

2.4.3 Informing the applicant and the right to review a decision that they are an ineligible person and/or not a qualifying person

When a decision has been made that an applicant is either ineligible for an allocation or is not a qualifying person (and therefore so also ineligible to join the housing register) the applicant will be informed of this decision and the grounds for it, in writing.

A copy of the letter will be sent to the applicant's last known address and a copy will be retained on file for a period of six weeks.

An applicant who the council has decided is ineligible for an allocation or a non qualifying person has a right to request a review of the decision. The review procedure is set out in **Appendix 1**.

2.4.4 Repeat applications

A repeat application following a decision to make an applicant ineligible for an allocation will only be considered if there has been a material change in the applicant's circumstances. In the instances where there has been no material change, the council will rely on its previous decision. Where the applicant believes there is a material change of circumstances, this must be put in writing to the council, together with sufficient supporting evidence.

A person who the Council decided was not qualifying may, if he/she considers that he/she should be treated as a qualifying person, make a fresh application.

2.5 Assessing housing register applications

Once a completed application form is received, a Housing Needs Officer will make an assessment of the applicant's eligibility to join the housing register and their housing needs in accordance with **section 3** based on the information provided and other documentation and references provided to the council. The applicant will then be placed into one of the five Priority Bands as set out in **section 3.2**

A Priority Housing date will be given to each new application processed which will be the date the application was registered. An applicant's Priority Housing date may subsequently be changed and this is explained further in **section 3.4**.

Should the initial assessment identify factors requiring further investigation, appropriate follow up action may be taken: for example, this may mean inviting the applicant to complete a medical assessment form, supported housing form and in some cases carrying out a home visit to verify circumstances.

2.6 Notification of registration

Once an applicant has been registered, a letter will be sent to the applicant's last known contact address. This letter will set out:

- Their Priority Housing date
- Their priority housing band and reason for it
- The type and size of home they can bid for
- How to access the Choice Based Lettings Scheme

2.7 Information held by Crawley Borough Council Housing Needs Service

The minimum information the council will hold on the housing register is:

- The name, age and gender of the applicant, all members of the applicants household and members of any host household
- The address(es) and contact telephone number for the applicant
- The date on which the applicant first joined the housing register
- The most recent date of amendment and Priority Housing date
- Any risks associated with the applicant
- Details for any support worker or carer
- Details of any support needs

- Information about the applicant's and his or her household's ethnicity, faith, religion, sexuality, first language and any disabilities. This is to enable the council to understand the profile of its customers and to monitor allocations and housing needs for equalities purposes.

2.8 The right to information

An applicant accepted onto the housing register is entitled to see his/her entry and receive a copy of it.

An applicant also has the right to request general information to assess how his/her application is likely to be treated under this housing allocation scheme and whether housing appropriate to his/her needs is likely to be made available to him/her and, if so, how long it is likely to be before accommodation becomes available for allocation to him/her.

The council will publish a summary of this housing allocation scheme and provide a copy of it free of charge to any member of the public who asks for one. A summary is also available on the council's website.

The full Housing Allocations Scheme (this document) is available for inspection at the Town Hall and is also available on the council's website.

2.9 Confidentiality

All applications for housing accommodation will be dealt with in a confidential manner. Information held under this housing allocation scheme will not be disclosed to any third party, except where:

- The individual who is the subject of such confidential information has consented to the disclosure to a third party
- The council is permitted to disclose the information under data protection legislation
- There is a requirement in law to make such disclosures
- The council considers that the applicant has given consent for any information held on an application to be shared with other social housing landlords, such as Housing Associations, and other agencies to assist with re-housing.

2.10 Misrepresentation or withholding information

It is a criminal offence for anyone to try and obtain accommodation from the council by knowingly and recklessly giving a false statement or knowingly withholding information.

Offences under these provisions are prosecuted in the magistrates' court and carry a maximum fine of level 5 on the standard scale.

Failure by an applicant to inform the council of changes to his/her application, or deliberately withholding information relevant to, or misrepresenting his/her housing circumstances, may result in criminal prosecution.

An applicant considered by the council to have been guilty of such behaviour will have his/her application assessed as a non qualifying person as detailed in **section 2.4.2**.

The council will seek possession of a tenancy that was granted as a result of a false

statement and will also attempt to recover any costs incurred.

2.11 Keeping the housing register up to date

It is very important that the housing register is kept up to date in order to ensure a fair and transparent allocation scheme and that the best use is made of available social rented housing within the Borough, and to assist in the avoidance of inappropriate allocations of housing being made.

2.11.1 Annual review of circumstances – renewal

The council will contact all applicants by letter or by email on the housing register at least once each year, usually (but not limited to) on the anniversary of the original date of registration or close to it.

The purpose of this is to check whether there has been a material change in circumstances that may affect an applicants application status or the priority housing band awarded.

At annual review, the applicant is requested to complete and return the annual re-registration slip. Help is available with completing the form at the Town Hall either in person, on the telephone or by email. An applicant can also re-register on the council's website www.crawley.gov.uk.

If the applicant does not respond to the request to re-register, the application will be cancelled and a letter will be sent to the applicant advising of this. The council may consider the reinstatement of an application up to 2 months after closure without loss of waiting time (Priority Housing Date); see **section 2.11.4** below for further details.

2.11.2 Cancelling an application by Crawley Borough Council

In addition to the circumstances detailed in **section 2.11.1** above, the council may cancel an application and remove an applicant from the housing register in any of the following circumstances:

- an offer of accommodation has been made and the applicant has failed to respond to the offer or the council has been unable to establish any contact with the applicant through any of the given contact details;
- an officer of the council has visited the applicant at the application address given and has had no response, either from the visit or the request to contact information left at the visit;
- the applicant has failed to respond to a letter regarding the application when requested to do so, or within a reasonable time (usually 21 days);
- at the applicant's request;
- the applicant has accepted the tenancy of a property we provide or another social housing landlord provides;
- the applicant has accepted an offer of shared ownership housing with another social housing landlord;
- the applicant now owns a home that is suitable for their needs;

- the applicant buys a council property under the right to buy scheme;
- the applicant successfully moves home via a mutual exchange and therefore resolves their housing needs; or
- the applicant makes an application under the Homeless legislation for assistance and we accept this. Whilst the homeless application is being considered by the Council, the application will be suspended.

If the council cancels the application and removes the applicant and members of the applicants household from the housing register, a letter advising of this will be sent to the applicant's last known contact address.

2.11.3 Changes to the housing register between annual reviews

It is the responsibility of the applicant to ensure that any changes to his/her circumstances that may affect either his/her eligibility for an allocation or his/her banding (priority) are reported to his/her Housing Needs Officer, in writing, as soon as practicably possible.

Failure to do so may result in action being taken by the council as detailed in **section 2.10** above.

On allocation of accommodation, or on being successfully short-listed through the *choice based lettings* scheme, verification checks into the applicant's current circumstances will be made again to ensure that the allocation is being made in accordance with this allocation scheme. Any material changes in circumstances, which may impact on eligibility for an allocation, eligibility for a particular size or type of property, or level of priority on the *housing register*, may result in the allocation being withdrawn and the application being reassessed in line with procedures described in **section 3**.

2.11.4 Re-instating a cancelled application

Where an application has been cancelled in accordance with **sections 2.11.1** or **2.11.2**, consideration will only be given to reinstating the application where:

- The applicant contacts a member of the Housing Needs Team in writing at the council within two months of the cancellation date; and
- The applicant is able to provide evidence of good reason for not responding within the required time scales to the annual review letters.

The decision on reinstatement will be made by a Housing Needs Officer. Where a decision is made not to reinstate an application from the original registration date, the applicant will be informed in writing and invited to make a brand new application. Any wait time accrued within a banding will subsequently be lost.

2.11.5 Other changes to the housing register

There are some circumstances, in addition to those above, where the council may decide to review an applicant's circumstances or to make changes to his/her entry on the housing register.

These include circumstances when:

- the applicant becomes a joint tenant with an existing tenant;
- the applicant is assigned a tenancy;

- the applicant is granted a secure tenancy on the death of a tenant;
- the applicant inherits a property;
- the applicant moves and fails to inform the council of his/her new address;
- the council discovers that the applicant has supplied false or incomplete information;
- the council receives notification from the estate that the applicant is deceased;
- the council receives information that may change an applicant's eligibility or qualification for an allocation, or the preference afforded to them under the banding scheme.

An officer from the Housing Needs Team will write to the applicant requesting information, as appropriate in the individual circumstances, or will write to inform him or her of the change made by the council. Where a decision is made to cancel an application, remove eligibility, or reduce priority, the applicant will be informed in writing of the intention to do so and given the right to a review of the decision as set out in **Appendix 1**.

3. Assessment and priority for housing

3.1 Overview

Section 166A(1) of *the Act* requires all local authorities to have an allocation scheme for determining priorities.

The council operates a banding scheme to assess the relative priority of applicants on the housing register. The council uses the bandings to ensure that overall, priority is given to the reasonable preference groups set out in *the Act*.

The reasonable preference categories set out in Part 6 of the Act are:

- (a) people who are homeless (within the meaning of Part 7 of *the Act*);
- (b) people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of *the Act* (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under s192(3) of *the Act*;
- (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) people who need to move on medical or welfare grounds, including grounds relating to disability; and
- (e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

The council uses the banding scheme to give reasonable preference to these groups.

3.2 The banding structure

After a Housing Needs Officer decides that an applicant is eligible and qualifying in accordance with the criteria set out in **section 2.4**, an assessment of the applicant's housing needs will be undertaken in accordance with this section and the application will then be placed into one of five priority housing bands accordingly. The application will also be given a Priority Housing Date.

When bids are considered for advertised homes through the choice based lettings scheme (**see section 5.1**), priority will be given to eligible bids from applicants in the highest priority band and with the earliest Priority Housing Date.

3.2.1 Bandings

The following sets out the description of the type of housing need which qualifies an applicant for each particular Band subject to the qualifications and exceptions set out in **section 3.7**.

BAND A+ (Emergency or urgent priority)

-The applicant is a Crawley Borough Council tenant or a Housing Association tenant residing within the Borough of Crawley, and their life would be in danger if they were to continue living in their current home and this has been substantiated by the Police, housing management professionals and the community safety teams (or equivalent).

-The applicant has been nominated by the council via the National Witness Protection Scheme and cannot be assisted by the council's Rent Deposit Scheme (or other re-housing alternative). Applicants nominated in this way do not have to meet the local connection and residency qualifying criteria (see **section 2.4.2.1**).

-The applicant has been assessed as having an emergency and immediate medical need to move as set out in **section 3.7**. This includes grounds relating to disability and this is seriously affected by their current housing situation.

-The applicant is homeless and the council (or another local authority) has accepted that it owes a full homelessness duty to them (under Part 7 of *the Act*) and they have been residing in a hostel or bed and breakfast accommodation provided by the council for 12 months or more, and they have been actively bidding for properties and have been paying their rent and service charge during this period.

-The applicant is a Crawley Borough Council tenant or a Housing Association tenant residing within the Borough of Crawley who is wanting to downsize by at least three bedrooms (for example a tenant residing in a 4 bedroom property who wishes to move to a 1 bedroom property).

-The Head of Strategic Housing and Planning Services (or equivalent) and the Housing Needs Manager have jointly assessed an applicant's housing need to be immediate, urgent and exceptional.

NOTE: Applicants placed into Band A+ will only remain in this banding if they are regularly bidding for accommodation through the choice based lettings scheme and if an applicant does not submit a bid for a period of 3 or more months (subject to there being suitable accommodation available to bid on during this period), their housing priority may be re-assessed and placed into Band A.

BAND A (Very High Priority)

-The applicant lacks 2 or more bedrooms as assessed in accordance with section 3.5 (A Housing Needs Officer will visit the home to verify this fact before any offers of accommodation are made.)"

-The applicant or a member of their household are currently escaping serious violence or harassment in their current home or immediate vicinity and this has been substantiated by the police, community safety team or equivalent professional agency.

- The applicant has been assessed by the council as having a high medical priority to move including grounds relating to disability and this is seriously worsened by their current housing situation as set out in **section 3.6**.
- The applicant (previously in care) is under 21 and is ready to leave institutional care. We will verify this with the relevant agency or local authority.
- The applicant is homeless and the council (or another local authority) has accepted that it owes a full homelessness duty to them (under Part 7 of *the Act*) and they are living in self-contained temporary accommodation arranged by the council and the landlord requires the property back.
- The applicant has received a valid court order to leave or vacate their current accommodation through no fault of their own.
- The applicant is homeless and the council (or another local authority) has accepted that it owes a full homelessness duty to them (under Part 7 of *the Act*) and they have been residing in temporary hostel or bed and breakfast accommodation arranged by the council for under 12 months.
- The applicant's housing need was previously assessed as Band A+ but the applicant did not bid on suitable properties for a period of 3 months or more (subject to their being suitable properties during this period). Note: The applicant may request that their housing needs be re-assessed in accordance with **section 3.4**.
- The applicant is homeless and sleeping rough and has no temporary accommodation available to him or her. The applicant will need to provide evidence that her or she has no accommodation available to him or her whatsoever. This banding will not normally apply if renting a room in Crawley would take up less than 40% of the applicant's net income.
- The applicant is a council tenant or a Housing Association tenant residing within the Borough of Crawley who wants to downsize by one or two bedrooms (for example three bedroom tenant transferring to a one or two bedroom property).
- The applicant is currently fleeing from their home due to on-going domestic violence or serious harassment.
- The applicant is living in a refuge after leaving their home due to domestic violence.
- The Applicant needs to move to adapted accommodation because of a serious injury, medical condition or disability which he or she or a member of their household has sustained as a result of service in the armed forces. Applicants in this category will need to demonstrate a need for social rented housing.
- The applicant is currently living in the Life Hostel in Crawley, and is ready to move onto independent living. The council will be satisfied that an applicant meets this criteria provided that the Housing Manager (or equivalent) at the Life Hostel confirms in writing that the applicant has satisfactorily maintained their tenancy, adhered to the tenancy conditions and has completed the support programme whilst living at the Hostel. The Priority Housing Date will be the date they first moved into the Life Hostel in Crawley.
- **The applicant has been residing in a property on a assured short hold tenancy agreement for over 6 months and the landlord has served a valid section 21 notice seeking possession under the Housing Act 1988 as they require the property back for alternative usage (for example to sell or to rent to another tenant). An applicant will only be placed into this band if they can demonstrate that they have been working closely and engaging with the council's Housing Options team to resolve their housing situation and where no alternative

accommodation option can be sourced before the applicant becomes homeless. The Housing Options Manager together with the Housing Needs Manager will agree whether or not to place an applicant into this banding following the recommendation from a Housing Options Officer or equivalent. If an applicant is placed into this category the priority housing date awarded to the application will be the date the decision was made plus 12 months. For example if the decision to place an applicant into Band A was made on 1/3/2013, then the Priority Housing Date would be amended to 1/3/2012.

If an applicant refuses an offer from the Council of suitable social or private rented accommodation in order to prevent homelessness, and then subsequently make a homeless application which is later accepted, then the Council will reduce their priority in line with Section 3.7.5.1 of this scheme.

****NOTE:** Applicants placed into this category will only remain in this banding if they are regularly (at least once every week) bidding for accommodation through the choice based lettings scheme and if they do not submit a bid for a period of 2 weeks or more, their housing priority may be re-assessed. Applicants who have been served with a valid section 21 seeking possession under the Housing Act 1988 because of a breach of the terms of the tenancy agreement (for example rent arrears and anti-social behaviour) will not be assessed for this category.

-The applicant is homeless and the Council (or another local authority) has accepted that it owes the full homelessness duty to them (under Part 7 of the Act) and they are living in self-contained temporary accommodation arranged by the council and they lack at least one bedroom as set out in 3.6 of this scheme. For example a couple with one child over 1 year old and living in a one bedroom property will qualify for this banding

BAND B (High Priority)

-The applicant is homeless within the meaning of Part 7 of *the Act* (but the council or any other local authority has not accepted that it owes a full homelessness duty under Part 7 of *the Act*) and is living in a hostel (shared facilities) or bed and breakfast accommodation.

-The applicant is homeless within the meaning of Part 7 of *the Act* (but the council or any other local authority has not accepted that it owes a full homelessness duty under Part 7 of *the Act*) and they have no fixed address and are staying with friends or relatives in at least 3 different addresses. (A Housing Needs Officer will verify this before placing the applicant into this banding). This banding will not normally apply if renting a room in Crawley would take up less than 40% of the applicant's net income.

-The applicant has been assessed by the council as having a medium medical need to move including grounds relating to disability and this is affected by their current housing situation as set out in **section 3.6**.

-The applicant has at least one dependant child and is **forced** to share their current accommodation with another household. (A Housing Needs Officer will verify this before placing the applicant into this banding.)

-The applicant is over 60 years old and has requested sheltered, retirement or extra care housing only, which would greatly benefit their social and welfare being. Please see **section 4.3**

-The applicant is currently living in a property that is in major disrepair, structurally unstable or the property has no kitchen or bathroom. (A Housing Needs Officer will consult with an Environmental Officer or equivalent and visit the applicant to verify this).

-The applicant's rent (i.e. their rent liability in excess of any local housing allowance

entitlement) is more than 40% of their net income after tax (i.e. their income less tax and National Insurance contributions) and this is significantly affecting their social and welfare being. In determining whether this is significantly affecting their social and welfare being, the Housing Needs Officer making the assessment we will take into account the applicant's savings and assets.

-The applicant has received a valid notice to leave or vacate their current home through no fault of their own. The council will consider that the applicant was given the notice due to their own fault if the notice was given because the applicant or a member of their household did not pay rent or mortgage payments, or due to acts of anti-social behaviour by the applicant or a member of their household, or due to any other breach of their tenancy agreement (or other similar agreement such as a licence agreement). The applicant will remain in this banding until the applicant's circumstances change or the notice expires.

-The applicant lacks one bedroom as assessed in accordance with section 3.5. (A Housing Needs Officer will visit the home to verify this fact before any offers of accommodation are made.)

-Two people who are both over the age of 12 months are forced to share a bedroom which is less than 90 square feet (or a studio or bedsit where the sleeping area is less than 90 square feet)

-The council has accepted that it owes a full homelessness duty (under Part 7 of *the Act*) to the applicant and they are currently living in temporary self-contained accommodation arranged by the council which meets their household's needs.

-The applicant is a Crawley Borough Council tenant or Housing Association tenant residing within the Borough of Crawley and has at least one dependant child under 5 years old and lives in accommodation on the 2nd floor or above in a block of flats which does not have a lift.

-The applicant is living in private rented accommodation and was assisted into this assured short hold tenancy with help from the Council's Housing Options Team as a way of preventing homelessness. This will only apply to applicants assisted into their accommodation after 16th September 2013.

BAND C (Medium Priority)

-The applicant was assessed as Band C prior to 16th December 2013 because they live in Crawley, are single, living at home with family and cannot afford to privately rent, buy a home or part-buy a property through the Help to Buy Scheme (or equivalent).

-The applicant has been accepted onto the housing register and would usually be assessed as either Band A+, Band A or Band B but has current or former rent arrears above £500 (see **section 3.7.3** for further information).

-The applicant is moving to Crawley to take up permanent paid employment in the Borough and has an offer of employment lasting for more than two years.

-The applicant would usually be assessed as either Band A+, Band A or Band B but has worsened his or her housing circumstances (see section 3.7.2). For example (but not limited to), moving into accommodation which does not meet their needs or moving people into their accommodation which makes it overcrowded. The council will check the reasons why their circumstances have worsened.

-The applicant would usually be assessed as either Band A+, Band A or Band B but previously owned a home in the last 5 years that was suitable for their needs but they

transferred it or gave it away when it was reasonable and practicable for them to continue living there. A Housing Needs Officer will check the reasons why and decide based on this information whether or not it was reasonable and practicable for the applicant to give up their accommodation.

-The applicant would usually be assessed as either Band A+, Band A or Band B, is homeless and the council has accepted that it owes a full homelessness duty to them and they are living in temporary accommodation arranged by the council, but the applicant refused to consider an offer of suitable alternative accommodation during a 12 month period prior to making a homeless application under Part 7 of the act. (**see section 3.7.4**).

-The applicant would otherwise have been assessed as either Band A+, Band A or Band B but has behaved badly (see **section 3.7.2**).

BAND D (Low Priority)

-The applicant applied prior to 16th December 2013 and has been assessed as not meeting the categories contained in Band A+, Band A, Band B and Band C because they are deemed as having no identified housing need or simply have an aspiration to move. If the applicant is a social housing tenant wishing to move we will tell them how to access the nationwide mutual exchange scheme and give them details on how to take part in the Help to Buy (or equivalent) scheme. See further at **Appendix 3**.

-The applicant would otherwise have been assessed Band C but has behaved badly (see **section 3.7.2**).

-The applicant would usually be assessed as either Band A+, Band A, Band B or Band C but a Housing Needs Officer has assessed that the applicant has sufficient capital or income to purchase an affordable home (shared ownership) through the government's Help to Buy scheme (or equivalent) in accordance with **section 3.7.1** and **appendix 4**.

-The applicant is homeless and the council has accepted that it owes a duty to them because of a "restricted person". (i.e. The applicant would have been eligible for a higher banding but for section 166A(4) of *the Act*.)

-All other applications accepted on or after 16th December 2013 and who do not fit into any of the categories set out above in Bands A+, Band A, Band B or Band C.

3.3 Reassessing Housing Needs and Changing Bands and changes to an applicant's Priority Housing Date

The council reviews all applications periodically. If an applicant's circumstances change, their application may be allocated to a different band depending on their re-assessed housing needs. If this happens the applicant will be informed in writing of their move to a new band and their new Priority Housing Date.

The council will also re-asses an applicant's housing need when:

- it is notified by the applicant that their circumstances and housing needs have changed;
- additional information is received by the council about a medical or welfare issue; or
- additional information is received by the council which affects an applicant's eligibility for a particular banding.

If the council moves an application to a higher priority band following a re-assessment of the applicant's housing needs the application will be given a new priority housing date which will be the date of the re-assessment.

If the council moves an application to a lower priority band following a re-assessment of the applicant's housing needs, then:

- the priority housing date from the higher priority band will be retained, or
- if the application is moved back to a lower priority band (which it had previously been in) then priority housing date will revert to the first priority housing date which that application had in that lower band.

Re-assessments of applicants' housing needs will be carried out by Housing Needs Officers.

3.4 Notifying changes of circumstances

The applicant is solely responsible for notifying the Housing Needs Team at the council of any relevant changes in their circumstances which will affect the assessment and priority of their housing register application. Examples of this are;

- changes of address;
- changes in the household, such as a birth of a baby or the departure of a household member;
- the development of a medical condition that is affected by their housing situation;
- being threatened with homelessness through no fault of the applicant.

This list is not exhaustive, and if the applicant is any doubt whatsoever whether a change is relevant they should contact the Housing Needs team to discuss this further.

3.4.1 Additional preference for armed forces

Applicants who meet the criteria below will be awarded additional preference by means of their Priority Housing Date being backdated by 3 calendar months. For example, a qualifying applicant who is awarded Band A on 1 August 2013 will have their Priority Housing Date backdated to 1 May 2013.

Applicants who will be awarded this additional preference are those who would usually be assessed as either Band A+ or Band A (including those whose priority is then reduced in accordance with section 3.7) and who meet the following criteria:

- Is serving in the regular forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- Has formerly served in the regular forces (Veterans)
- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that person's service
- Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

Definition of Terms

The terms “the reserve forces” and “the reserve forces” as used above have the meanings given by section 374 of the Armed Forces Act 2006.

3.5 Overcrowding

We will always check the reasons why the applicant is forced to live in overcrowded accommodation and if the applicant has deliberately worsened their housing situation their priority may be reduced in line with Section 3.7.2 of this Housing Allocations Scheme.

Applicants who are forced to live in statutorily overcrowded accommodation (within the meaning of Part X of the Housing Act 1985 - Space Standard) will be placed into Band A+. In such cases they will be asked to attend a Housing Options appointment to see if the Council will have other duties under Part 7 of the Housing Act 1996.

All other applicants will be assessed for non-statutory overcrowding as set out in the table below and shall be placed in the Band indicated.

Current situation	Band
Applicants who lack two or more bedrooms	Band A
Applicants who lack one bedroom	Band B

We will usually assess how many bedrooms an applicant lacks in accordance Section 4.1 of this scheme, subject to the following:

- Solely for the purpose of determining priority under this section, when assessing how many bedrooms are lacked in situations where an applicant has a choice of bidding for a 2 or 3 bed property, the number of bedrooms to be assessed against is 2 (where the applicant has 2 children of the same sex) or 3 (where the applicant has 2 children of opposite sex)
- Solely for the purpose of determining priority under this section, when assessing how many bedrooms are lacked, no account will be taken of any child under 12 months unless they are twins or living in a studio flat or bedsit, in which case they will be counted as one child.
- Applicants whose situation involves 2 dependent children of opposite sex who are forced to share a bedroom (which is over 90 square feet) with each other (but not with their parents) will only be given priority if:
 - both of the children are aged over 10 years; or
 - there is more than a five year age gap between them.

Where two people who are both over the age of 12 months old are forced to share a bedroom which is less than 90 square feet (or a studio or bedsit where the sleeping area is less than 90 square feet) they will be assessed as Band B.”

3.6 Medical grounds for re-housing

The procedure for establishing the priority given to an applicant or a member of the

applicant's household with medical grounds for re-housing is set out below.

The medical aspects of a housing application will be assessed in the first instance by a Housing Needs Officer who will decide if there are grounds for the applicant to be prioritised on a medical basis. An applicant may be visited to complete the medical assessment.

Any applicant who completes the self-assessment medical questionnaire will be asked to authorise contact with their GP or other medical practitioner if necessary in order to verify or obtain further information about their medical condition.

An applicant will only be assessed as having a Medical Priority if they or a member of their household have a medical need to be re-housed. For example any medical problem that is directly and significantly affected by the applicant's current housing circumstances and would be relieved by re-housing.

The council may decide to seek further advice on an applicant's medical condition and how this affects their housing circumstances from the council's Independent Medical Advisor.

If an applicant submits more than one questionnaire for assessment, the council may not send these to the Independent Medical Advisor unless their circumstances have changed significantly. This is to keep costs down. If an applicant requests further assessments and the council believes this is not necessary, the applicant may be asked to pay a £15 administration fee.

Medical priority is awarded as follows to reflect the urgency of re-housing.

No medical priority will be awarded where there is no medical condition which would be improved by re-housing. This would also apply where an Applicant or a member of their household has a medical condition but where it is established that re-housing would not improve their health or ability to cope with the condition.

Band B will be awarded where it is assessed that there is a medical condition which may be improved by re-housing. This would also apply where it is established that the ability to cope with the medical condition may be improved by re-housing even where it is unlikely that the condition itself may be improved.

Band A will be awarded where it is assessed that the applicant's current housing has a detrimental effect on their, or a member of their household's medical condition and that their health is likely to deteriorate unless early re-housing takes place.

Band A+ will be awarded where it is assessed that there is an emergency medical condition requiring immediate re-housing. Medical conditions justifying this band would include severe/acute disability which may render the applicant housebound or technically homeless where it is unreasonable for them to remain where they are.

A Self- Assessment Medical questionnaire can be obtained by contacting the council's Housing Needs Team.

3.7 When Crawley Borough Council may reduce an applicant's priority for housing

The circumstances in which the council may exercise its discretion to reduce an applicant's banding on the housing register are described in this section.

Applicants have the right to request a review of a decision to give less preference for any reason set out in the section. See **Appendix 1**.

3.7.1 Applicants who are eligible for affordable homeownership schemes (Help to Buy)

Less priority is awarded to applicants who are able to purchase an **affordable** home based on their income (or if they have a spouse/partner, their joint income). There are a number of schemes designed to help people into home ownership. These schemes have traditionally been called Shared Ownership, DIYSO or part buy/part rent.

Applicants whose income or capital (or joint income or joint capital with their spouse/partner) allow them to apply for this type of housing will be given a low priority for social rented housing with the council or Housing Association in Crawley.

Applicants who have a household (applicant and spouse/partner) income which means they are able to take part in the scheme will be placed into Band D. Details of how the council will calculate an applicant's income can be found at **Appendix 4**.

Applicants wishing to be considered for low cost home ownership should register with the Government's "Zone Agent" (currently Moat Housing Group). Accommodation obtained through low cost home ownership schemes (Help to Buy) are not dealt with under this Scheme (see **Appendix 3** for further information).

If an applicant has an income as described above but is unable to apply for low cost homeownership because they do not meet the criteria for the Help to Buy Scheme, their housing register application may be assessed as if this type of accommodation was not affordable to them and they are not able to take part. Applicants need to first register with MOAT (the HELP TO BUY ZONE AGENT) who will confirm to the council the applicant is ineligible and the reasons why.

Where an applicant is prevented from raising a mortgage because of previous bad debt, but would otherwise have sufficient income to raise a mortgage, the applicant will be expected to clear these debts and apply for a mortgage. The applicant will remain in Band D (low priority) and be assessed as if they were able to raise a mortgage.

Where an application does not have sufficient savings to take part in the Help to Buy scheme, the applicant would be expected to save up the required amount. The applicant will remain in Band D (low priority) and be assessed as if they were able to take part in the Help to Buy scheme.

When offering low cost home ownership accommodation the Zone Agent will usually give priority to applicants who are existing social housing tenants in Crawley because this frees up a social rented tenancy for other people. Exceptions to this may be where funding has been made to meet the housing needs of specific categories of people, such as key workers.

Where an applicants housing needs are both urgent and exceptional or where it would be unreasonable to lower an applicants priority because of the availability of a specific type of low cost home ownership property the Housing Needs Manager together with the Head of Strategic Housing and Planning Services may decide not to lower their priority in accordance with this section.

Applicants can register and search for low cost home ownership accommodation by visiting [www. helptobuy.org.uk](http://www.helptobuy.org.uk)

3.7.2 Behaviour affecting an applicant's priority – generally

In considering an applicant's priority for housing the Council may also consider any behaviour that affects his or her suitability to be a tenant. This section deals with all types of bad behaviour except for rent arrears which is covered under **section 3.7.3** below.

Whilst an applicant may have passed the qualification criteria a Housing Needs Officer with responsibility of assessing needs may decide that priority should be reduced due to the behaviour of the applicant, or any member of the applicant's household, which affects his or her suitability to be a tenant.

In cases where a Housing Needs Officer assesses that the behaviour of the applicant and/or any member of their household affects his/her suitability to be a tenant, priority will be reduced as follows and until the applicant can demonstrate to the council that their behaviour has improved:

- Unless the behaviour is rent arrears only (in which case see **section 3.7.3** below), for applicants who but for the bad behaviour would have been assessed as either Band A+, Band A or Band B, they shall be placed in Band C, unless the bad behaviour is a deliberate worsening of their housing situation, in which case they will be placed in Band D.
- Unless the behaviour is rent arrears only (in which case see **section 3.7.3** below), for all applicants who but for the bad behaviour would have been assessed as Band C (or the bad behaviour is a deliberate worsening of their housing situation), they shall be placed in Band D.

It is the responsibility of the applicant to inform the council of any change in circumstances that may affect their priority and to request that the decision is reconsidered in the light of that change.

Examples of the types of behaviour a Housing Needs Officer may consider as affecting applicant's suitability to be a tenant include:

- The applicant or a member of his or her household has housing related debt with any local authority or another housing provider including private landlord (see further at **section 3.7.3**).
- The behaviour of the applicant or any member of his or her household has caused or is causing a nuisance to others.
- The applicant has worsened his or her housing circumstances. For example (but not limited to), moving into accommodation which does not meet their needs or moving people into their accommodation which makes it overcrowded. The council will check the reasons why their circumstances have worsened.

The list above contains examples of the behaviours that the council considers as behaviour which may affect an applicant's suitability to be a tenant; it is **not exhaustive** and all of the circumstances will be considered.

In considering whether to reduce a priority under this section, a Housing Needs Officer with the responsibility for assessing needs will take into account all the circumstances including other factors such as:

- The severity of any examples of behaviour that would affect the suitability to be a tenant.
- Whether behaviour that has caused a nuisance can be substantiated by the anti-

social behaviour co-ordinator or anti- social behaviour team, the police, environmental health officer or equivalent in any other local authority or other housing provider.

- The length of time elapsed since the behaviour.
- Whether there has been an material change in circumstances since the behaviour took place for example the applicant has held a tenancy with no issues.
- Whether there are health and or care issues in the household.
- Whether there are dependants in the household.
- The extent of the housing need.
- Any vulnerabilities in the household.
- Any alternatives to social housing provision for the applicant.
- Any support that may be available to the applicant, or member of his or her household, that may lead to an improvement in behaviour.

3.7.3 Behaviour affecting an applicant's priority – where the behaviour is rent arrears only

Unless the Housing Needs Manager agrees otherwise, an applicant will be placed into Banding C if they have rent arrears of over £500 (but under £1000) In making a decision the Housing Needs Manager will take into account the applicant's circumstances including:

- The length of time the arrears have been owed.
- Whether there has been a material change in circumstances since the rent arrears accrued.
- Whether there are health and or care issues in the household.
- Whether there are dependants in the household.
- The extent of the housing need.
- Any vulnerabilities in the household.
- Any alternatives to social housing provision for the applicant.

An applicant to whom this applies will generally not be considered for an allocation until the charges or arrears have been paid in full or an agreement for payment by instalments has been reached and adhered to this for a period of at least 6 months and which is considered to be acceptable by the Housing Needs Manager and the social or private landlord to whom the debt is owed.

In cases where an applicant would otherwise be offered accommodation but for a debt and where it is considered that no reasonable prospect of them repaying such a debt, perhaps because it is considered that they are unlikely or unable to gain employment because of mental illness, learning of physical disability, or are considered to be unable to adequately manage their affairs, priority may be given to the applicant as if they did not have such a debt. This decision will be made by the Housing Needs Manager together if appropriate with the landlord to whom the debt is owed.

3.7.4 Behaviour affecting an applicant's priority – where the applicant has refused to consider suitable accommodation during a 12 months period prior to making a homeless application under Part 7 of the Act

Unless the Housing Needs Manager agrees otherwise, an applicant will be placed into Band C if they have, within the 12 months immediately prior to the decision date of their homeless application;

- Refused to consider any offer of suitable private rented accommodation facilitated by Crawley Borough Council whilst working with the Housing Options Team, or
- Refused an offer of suitable private rented accommodation facilitated by Crawley Borough Council whilst working with the Housing Options Team, or
- Refused an offer of suitable social rented accommodation from any Local Authority or Registered Provider.

In considering whether to reduce a priority under Section 3.7.5.1 a housing needs officer with the responsibility for assessing needs will take into account all the circumstances including other factors such as:

- Size, condition and location of the property
- Affordability
- Accessibility

An Accepted homeless applicant (under Part 7 of the Act) and living in temporary accommodation provided by the Council in the above circumstances will remain in Band C for a period of 2 years. After this time, their application may be reviewed

3.7.5 Informing the applicant and the right to review a decision to reduce their priority due to their behaviour

Where the decision has been made to reduce the priority under **sections 3.7.2 and 3.7.3** the applicant will be informed of this in writing. The letter will set out the:

- Reasons for the reduction in priority;
- The new banding and priority housing date; and
- How to request a review of the decision to lower priority.

4. Allocation criteria

This section sets out how the council will determine who can be allocated certain types of property and the size of accommodation an applicant may be allocated.

4.1 Size of properties

The size of accommodation an applicant may be allocated is usually determined by the number of people in the applicant's household and the age, gender and relationship of those people to each other (see **section 2.2** for more information about who is considered to be a member of an applicant's household).

The council will allocate properties to applicants as set out below (but subject to the exceptions set out in **sections 4.2 to 4.5** and the exceptions specified in **section 6**).

Household size	Size of property applicant is eligible for
Single	1 bedroom property or studio flat
Single with overnight access (see further at 4.2)	1 bedroom property (but not a bungalow)
Couple without children	1 bedroom property (but not a bungalow)
Couple or single parent with 1 dependant child	2 bedroom property (but not a bungalow) – see further below under notes regarding 2 bedroom properties
Couple or single parent with 2 dependant children of the same sex and both under 16 years old with less than 6 years age gap	2 bedroom property (but not a bungalow) – see further below under notes regarding 2 bedroom properties
Couple or single parent with 2 dependant children of same sex and both under 16 years old with more than 6 years age gap	2 or 3 bedroom property (but not a bungalow)
Couple or single parent with 2 dependant children of same sex and both over 16 years old	3 bedroom property (but not a bungalow)
Couple or single parent with 2 dependant children of same sex where one is under 16 and one is over 16	2 or 3 bedroom property (but not a bungalow)
Couple or single parent with 2 dependant children of the opposite sex	2 or 3 bedroom property (but not a bungalow)
Couple or single person with 3 dependant children	3 bedroom property (but not a bungalow)
Couple or single person with 4 or more dependant children	Property (not a bungalow) which has a minimum of 3 bedrooms and two reception rooms; or A property (not a bungalow) which has a minimum of 3 bedrooms and 1 reception room provided that the property is larger than average so that an allocation would not result in occupation of the property exceeding the permitted number of persons*
Single or Couple over 60 years old	In addition to the above, these applicants are also eligible for one or 2 bedroom sheltered or retirement flats and bungalows

*A Housing Needs Officer will decide whether the property meets this criteria and in making this decision will take into account the permitted number of persons allowed to occupy the particular property as set out in Part X of the Housing Act 1985, sections 324-344. For example if the permitted number of persons allowed to occupy a home is 8 or more, we will usually consider that the property is suitable for a couple or single person with 4 dependant children.

Notes

- As at the date of publishing this Housing Allocations Scheme, there is a particular shortage of two bedroom houses and two bedroom ground floor flats with a garden within the Borough. To make best use of the available social rented housing in Crawley, the council will only offer these properties to people with dependant children under the age of 10.

- Reference to a child in the above table also includes a baby who is expected to be born within 6 weeks and will be treated as if the child were already born. Formal proof of pregnancy will be required.
- Where there is a child in the household who has not already been paired with another according to the above standard, the unborn child will be treated as being of the same gender and so able to share a bedroom with that child.
- Where an applicant has joint custody/residence of a child, that child will not normally be counted as part of the applicant's household where he or she has a bedroom in the home of another parent/guardian who is either already a social housing tenant, privately renting or a homeowner.
- Where there are two children of the same sex and are both under 16 years old with less than 6 years age gap and there are special or medical circumstances meaning that two children cannot share a bedroom, the Housing Needs Manager may decide to allow the applicant to be considered for a property with an extra bedroom. **See section 4.2**

4.2 Exceptions

4.2.1 Applicants with particular medical needs

If an applicant or a member of his or her household needs an extra bedroom on medical grounds for either storage of large medical equipment or because a person's particular medical condition means that they are unable to share a bedroom with anyone else then the council may allocate to them, a property with an additional bedroom. An applicant will only be eligible for a property with an additional bedroom under this section after and assessment of medical needs by the council.

4.2.2 Applicants who are foster parents

Where an applicant (or his or her spouse or partner) has been assessed by Social Services as an approved fosterer and requires an extra bedroom, a Housing Needs Officer may decide to allow the applicant to bid for a larger property. Proof of this will be required from the relevant organisation.

4.2.3 Applicants with live-in carers

Where an applicant has been assessed by Social Services as needing a full and long term live in carer for more than 5 years a Housing Needs Officer may decide to allow the applicant to bid for a larger property so the live-in carer can be accommodated with them. Proof of this will be required from the relevant organisation.

4.2.4 Applicants requiring special adaptations

We will usually only consider an applicant for a non-sheltered bungalow if they are over 60 years old, except if the bungalow has already been adapted for a person who is disabled in which case we will also consider applicants under 60 who needs all the adaptations of a particular property provided an occupational therapist has assessed the property as suitable for the applicant's needs.

4.3 Sheltered and retirement accommodation

There are various purpose-built schemes and property types that have been put aside

for older adults.

An applicant on the housing register will be eligible for sheltered housing provided they **do not** have a history of antisocial behaviour (for example, violence or aggression towards other tenants or staff), and are:

- aged 60 years or over and have a need for the support provided by a scheme manager (this is determined following a sheltered housing needs assessed carried out either by the council or a registered social landlord with whom the council has a nomination agreement); or
- aged 55 - 59 years and are vulnerable because of a physical or mental difficulty and therefore require the support provided by a scheme manager (this is determined following a sheltered housing needs assessed carried out either by the council or a registered social landlord with whom the council a nomination agreement);

When offering sheltered housing, we will always take account of the scheme manager's sheltered housing needs assessment of the applicant before deciding whether to make a formal offer. This will usually take place prior to an offer of suitable accommodation.

If there is a lack of older couples bidding for a two bedroom sheltered flat that is advertised through the choice based lettings scheme, the council may allocate a two bedroom sheltered flat or sheltered bungalow to a single older person who meets the criteria as set out above.

4.4 Properties that have major adaptations

Only an applicant who needs, or who has a member of his or her household who need a property with major adaptations, is able to bid, for a property that has adaptations.

For the purpose of this scheme, a property with major adaptations may include

- a floor to ceiling lift
- a shower wet room or level access shower cubicle
- an operational stair lift
- Lowered kitchen units for a wheelchair user
- Permanent external ramps for a wheelchair user
- Purpose built ground floor bathroom in a house

Please note that this is not an exhaustive list and there may be other adaptations that the council consider as "major adaptations".

Prior to an allocation of a particular property with adaptations being made to an applicant who requires an adapted home, an occupational therapist may visit the property to assess its suitability.

Where there is no one suitable on the housing register in need of the specific facilities a property offers, the property may be allocated in the normal way by the choice based lettings scheme. This however, does not mean that the council will remove the adaptations out of the accommodation for a family that does not require them. This will be made clear to the successful applicant.

Properties available through the choice based lettings scheme that have major adaptations will be clearly labelled and priority will usually be given to those that need this type of adapted accommodation. If there are no applicants whatsoever who express an interest in a particular advertised property, the council may then decide to make a direct offer to a person on the housing register who requires the adaptations but did not express an interest for it

(bid).

4.5 Under-occupation

The council wishes to encourage council or housing association tenants under-occupying much needed larger accommodation within the Borough to transfer to smaller housing where the net result will be an overall increase in the number of bedrooms available.

The council will therefore allow such tenants an allocation of a property which has one additional bedroom to that which they would otherwise be eligible for (using the table set out in **section 4.1**).

For example, a single council tenant residing in a three bedroom property wishes to downsize to a smaller property. This person may be allocated either a one or two bedroom property.

5. Properties allocated under the choice based lettings scheme

5.1 Choice Based lettings

The council has a housing needs team who are responsible for allocating available properties in accordance with this Housing Allocations Scheme.

The majority of properties are allocated by the method set out in this section. However some properties are not allocated in this way and are subject to direct lets. For more information on direct lets see **section 6**.

All offers of an allocation made in accordance with **Section 5** will be only be made to persons who are both eligible and qualifying (i.e. to persons who meet the criteria in **section 2.4**) and the provisions set out below should be construed accordingly.

5.2 How available accommodation is advertised

Properties let through choice based lettings are advertised weekly on the council's website and on the property board located in the Town Hall reception area.

Applicants who are over 60 years old and have asked for sheltered or retirement housing will receive a property information sheet detailing available accommodation during the bidding cycle.

Eligible and qualifying applicants on the housing register are able to express an interest in, or bid for, advertised properties that match their housing needs during each bidding cycle.

Each bidding cycle lasts for 4 days, starting on a Monday morning at 8am and finishing at 3pm on the Thursday of that week. Shortlists are usually created that day and successful applicants are contacted as soon as possible. Due to the large volume of bids received we are unable to contact unsuccessful bidders individually.

Bids can be made via email, telephone, website and in person by visiting the Town Hall.

5.2.1 Labelling the property advertisement

Each property we advertise in most cases is accompanied by a photograph and a brief

description of accommodations attributes. This will include details such as:

- The number of bedrooms in the home
- The neighbourhood in which it is situated included a web link to check out further details
- Whether there is an age restriction (i.e. sheltered or retirement properties)
- The floor level if the property is a flat
- Who the landlord is (i.e. council or Housing Association)
- The weekly rent including any service or supporting people charges
- Whether the property is subject to a local lettings plan
- Who can bid on the property
- Whether pets are allowed
- Whether the home is suitable for applicants with a limited mobility

5.2.2 Homes already adapted for disabled people

Properties that have major adaptations for disabled people will be advertised for bidding from applicants in all bands. These homes will be clearly labelled detailing the current adaptations in the property. Priority will usually be given to an applicant who can make use of the major adaptations. For further information please see **section 4.4**.

5.2.3 Sheltered or retirement accommodation

All properties that are designed to provide facilities which are intended specifically for use by an older adult aged 60 or above will be advertised through the choice based lettings scheme for bidding from applicants in any band. However, such home will only be allocated to older adults and will be labelled as such when advertised. More information on sheltered housing can be found at **section 4.3**.

5.2.4 Local lettings plan

Some properties will be advertised as being subject to a local lettings plan to ensure that communities are as balanced as far as possible. These properties will be clearly labelled in the advert and will carry the criteria that will need to be met by the applicant. Further information on Local Lettings Plans can be found at **section 7**.

5.2.5 Sensitive lettings

Some properties in the Borough will be advertised as being “subject to a sensitive” letting to help the council or Housing Association rectify problems on an estate or block of flats where there may have been in the past management difficulties or properties have become difficult to let. Whilst an applicant may bid for properties that are subject to a sensitive let the Housing Needs team together with Housing Manager (or equivalent) will consider bids from those with a history of anti-social behaviour on a case by case basis as to whether the applicant is suitable to be allocated the home they have bid for.

5.2.6 Advertised property for current tenants only (transfers)

The council will make some properties available only to current the Council or Housing Association tenants in Crawley. The council will do this to increase mobility across the Borough and to ensure the transfer frees up another property for an applicant.

The council will advertise 10% (but not limited to) of the annual properties available for transfer tenants only.

5.2.7 Putting forward tenants to Registered Social Landlords or Housing Associations

Successful bidders through the choice based lettings scheme for vacant Housing Association or Registered Social Landlords (RSL) properties will be allocated in accordance with this scheme.

The council will put forward tenants to registered social landlords under nomination agreements and any agreed local lettings plans.

The council may have to apply additional allocation criteria in order to comply with individual Housing Association or RSL allocations policy. Viewings and tenancy sign up arrangements lie with the individual RSL's as will the decision to reject any nomination as a suitable tenant.

5.3 The bidding process

Applicants will be given information about how to bid for advertised properties by the Housing Needs Team.

Applicants are not currently restricted on the number of bids they make during any given bidding cycle, but may only bid once for each advertised property. This means that if an applicant meets the criteria for several different properties they may bid for each advertised property.

5.4 The type and size of property applicants can bid for

Applicants may bid on all advertised properties for which they are eligible to bid. An applicant is eligible to bid on a property if:

- The advertisement does not restrict them from bidding (e.g. if a property is specially adapted for wheelchair access and it is advertised specifically for disabled persons requiring such adaptations, then those who do not require this type of property will not be eligible to bid).
- The property is of the type and size which is deemed suitable for their household (in accordance with the criteria set out in **section 4.1**). Each applicant is informed in writing of the type and size of property for which they are eligible to be allocated.

If an applicant makes a bid on an advertised property for which they are not eligible (e.g. a single person with no dependants is ineligible to bid for a 3 bedroom house), then their bid will be deemed ineligible and will be discounted when ranking the eligible bids.

5.5 How applicants are short listed for available properties

When the bidding cycle has finished, the Housing Needs Team will short list the eligible bids by their priority banding and their Priority Housing Date.

This means that unless otherwise stated on the advertisement, Band A+ applicants will be considered first in Priority Housing Date order so that the applicant who is in the highest band with the oldest Priority Housing Date will be the top-ranked bidder. If no bids are received from Band A+ applicants, then Band A applicants who have bid for that property will be considered next in priority housing date order. Again, if no applicants in Band A place a bid, then applicants in Band B who have bid for that property will be considered next in priority housing date order and so on.

Where an applicant has placed more than one bid in the same advertising cycle, and is the top-ranked bidder for more than one property, the applicant may only be allocated one property but may choose which property they would like to be offered.

Where the property has been restricted to either the council or Housing Association tenants (transfers) only bids from this category of applicant will be short listed.

In some cases, eligible bids will be removed from the shortlist where the applicant is subject to risk management procedures by one of the Multi Agency Protection Panels (i.e. MAPPA) and has restrictions placed on him or her through the terms of a licence. This decision will be made by the Housing Needs Manager together with the Housing Options Manager or equivalent.

Where one or more applicants with the same priority housing date are short listed for a property the applicant with the earliest application date (the date they first applied) will be considered first. If the applicants also have the same application date, then the applicant with the lower reference number will be considered first.

5.6 Offering accommodation through the choice based lettings scheme

The top-ranked bidder is usually contacted on the day or day after the short listing takes place and invited to view the following week. Due to the short timescales involved, contact will usually be made by telephone, voicemail, SMS text or email.

Before an offer of allocation can be made to that applicant, a Housing Needs Officer will verify:

- The applicant is still eligible and qualifying (i.e. they still meet the criteria in **section 2.4**); and
- There has not been a change in the applicant's circumstances, such that there has been a reduction in their housing needs (i.e. they are no longer meet the criteria for the banding for which they were previously assessed).

This may involve a home visit to check that that there has been no material change of circumstances since the application was previously assessed.

If the top-ranked bidder is no longer eligible or qualifying, or they no longer meet the criteria for the banding in which they were previously assessed (e.g. they were previously placed in Banding A due to homelessness but have since found their own accommodation and so their needs have reduced to Banding C), then they will not be made an offer of accommodation of that property.

Where an applicant's circumstances cannot be verified at this stage, or where it is evident that there has been a material change in circumstances or the applicant has failed to give correct information about their circumstances, the property will not be offered to him or her. The applicant may also have his or her priority banding reduced in accordance with **section 3.7** of this Housing Allocations Scheme.

If the top-ranked bidder is both eligible and qualifying, and still meets the criteria for the banding in which they were previously assessed, they will be offered an allocation of the property. Where the council is aware that the applicant may be vulnerable for whatever reason and holds details of their support or social worker (or equivalent), the Housing Needs Officer will contact the support worker to discuss the appropriateness of the allocation. The Housing Needs Officer will only do so if the applicant has given his or her permission in

writing. Applicants when applying to go on the register usually will sign this type of declaration.

If the top-ranked bidder is not offered the property in accordance with this section or withdraws their bid or is offered the property but refuses, then the next person on the shortlist will be considered, and so on.

5.7 Sole and joint offers

Offers made by the council under **section 5.6** may either be made to the applicant solely or jointly to the applicant and a member of their household.

In cases where an application to join the Housing Register was made jointly by 2 or more people, then an offer made under **section 5.6** will usually be made jointly to all of them.

5.8 Number of offers to accepted homeless applicants and discharge of duty

Where the council has accepted the full homeless duty (under Part 7 of the Act) to an applicant, that applicant will receive only one suitable offer of accommodation through the choice based lettings scheme. Homeless Applicants may exercise choice and place bids on unlimited amounts of suitable properties through the choice based letting scheme. If the applicant refuses an offer without a justifiable reason, the council will have discharged its duty to them under s193(5) and their housing register application will be cancelled. This also means that the council will take steps to terminate the applicant's right to occupy any temporary accommodation provided to the applicant and their family, which will ultimately result in them being evicted from that accommodation.

In determining suitability, consideration will be given to the following:

- Property type and size
- Location of employment
- Distance from schools/educational institutions attended by the applicant/family member
- Support networks that the household has
- Mobility and transport issues
- Any substantiated issues of domestic violence or harassment

If an applicant to whom the council has accepted a full homeless duty (under Part 7 of the Act) does not make any bids through the Choice Based Lettings Scheme for a period of 6 months or more, then in order to discharge its duty, the council will consider making an offer of a direct let to the applicant. See further at section 6.3

5.9 Number of offers to all other applicants

Applicants may search and place bids on any suitable accommodation through the choice based lettings scheme. Successful applicants will receive up to two offers under this scheme. If an applicant refuses the second offer their application will be assessed as a non qualifying applicant and will be removed from the housing register unless there are exceptional circumstances and the Housing Needs Manager agrees otherwise.

When making offers of accommodation to successful bidders, we will take into account the condition of the premises and the law on unfitness, overcrowding, affordability, suitability and its location.

5.10 Lettings history

Lettings history will be published on the council's website at www.crawley.gov.uk. The website will give details of:

- The properties successfully let from the most recent advertising cycle
- The number of bids that were made
- The banding and the priority housing date of the successful applicant

This information can be used by applicants to help them understand the relative demand for properties in particular neighbourhoods of Crawley and the priority and wait time needed to secure an allocation to that property type and location.

6. Direct Lets

Occasionally an available council or Housing Association property may be allocated as a direct let in which case the allocation will not be made through the choice based lettings scheme (as set out in **section 5.1** above). The circumstances in which the council will consider granting a direct let to a person on the housing register are set out in this section.

All offers of an allocation made in accordance with **Section 6** will be only be made to persons who are both eligible and qualifying (i.e. to persons who meet the criteria in **section 2.4**) and the provisions set out below should be construed accordingly.

6.1 What is a Direct Let

A direct let is an allocation of accommodation to a person whom the council has chosen in accordance with the criteria set out in this section and as such an the allocation will not need to meet the criteria set out in **Sections 3 and 5** of this Scheme. Most offers of direct lets will be made in accordance with the criteria in **Section 4** except as specified below.

The number of direct lets will be kept to a minimum wherever possible in order to maintain a fair, transparent and flexible housing allocation scheme, with the majority of allocations being made to applicants that fall within the reasonable preference categories as set out in section 166A(3) of *the Act*.

All direct lets will be monitored to assess impact on the overall transparency of the allocations scheme and the need to ensure that, overall, those applicants entitled to a reasonable preference receive it and that the scheme meets statutory and other legal requirements.

The circumstances in which a direct let will be made are described below.

6.2 Sole and joint offers

An offer of a direct let made by the council under any of the provisions of **section 6** may either be made to the person solely or jointly to the person and a member of their household.

In cases where an application to join the Housing Register was made jointly by 2 or more people, then an offer of a direct let under **section 6** will usually be an made jointly to all of them.

6.3 Homelessness applicants who do not make bids under the Choice Based Lettings Scheme

The Housing Needs Manager jointly with the Housing Options Manager may decide to make a direct offer of suitable accommodation to an accepted homelessness applicant (that is, a person to whom the council has accepted the full homeless duty under Part 7 of *the Act*) if:

- the applicant has not made bids under the Choice Based Lettings Scheme for a period of at least 6 months; and
- there were suitable properties advertised during this period.

In deciding whether any property during this period was suitable, the matters set out in **section 5.8** will be taken into account.

If the applicant refuses the offer without a justifiable reason, the council will have discharged its duty to them and their housing register application will be cancelled. This also means that the council will take steps to terminate the applicant's right to occupy any temporary accommodation provided to the applicant and their family, which will ultimately result in them being evicted from that accommodation.

6.4 Homeless applicants in temporary council accommodation

The Housing Needs Manager jointly with the Housing Options Manager may decide to offer to a person who has been accepted as homeless (that is, a person to whom the council has accepted the full homeless duty under Part 7 of the Act) and who has been temporarily accommodated by the council in one of its properties on an insecure tenancy, a direct let of that property.

The Council may in some cases also decide to offer a direct let of another suitable property to homeless applicants living in temporary council or Private Sector Leased accommodation so that the resulting vacancy can be used for other homeless households.

Each case will be considered on an individual basis taking into account the length of time the applicant has occupied the property as temporary accommodation, their needs and that of their family, and their conduct during the period of occupation.

6.5 Requests from other Local Housing Authorities

From time to time the council receives requests from other councils or registered social housing providers requesting that the council provide accommodation to one of either applicants or tenants on a reciprocal basis. The Housing Needs Manager may agree to make an offer of a direct let in such cases where that offer will result in a priority housing applicant on the council's housing register being offered accommodation in that other district or borough.

If the council agrees to make an offer of a direct let in these circumstances, the person to whom the offer is made does not need apply to join the housing register, however, they do have to provide sufficient information to allow the council to confirm that they are both eligible and qualifying.

6.6 Making best use of the borough's social rented housing

The Housing Needs Manager may make a direct offer to an applicant who is an existing council or housing association tenant where a move to alternative accommodation would clearly and demonstrably result in the council making the best use of the social rented housing within the Borough.

This section may be used, but is not limited to, situations where there is a specific shortage of a certain type of property and the council wishes to make a direct offer to an existing tenant (who has applied to move and is on the housing register) so that they move to another property thus making their existing accommodation available to other applicants.

Examples of the types of situations in which an offer of a direct let would be made to an existing council or housing association tenant on the housing register under this provision are as follows:

- If a two bedroom property became available but there was a high demand for three bedroom properties, a tenant living in a three bedroom property who needs smaller property (one or two bedroom) may be made an offer of a direct let for a smaller property so that their property could be used to meet the high housing

demand.

- If there was a specific shortage of disabled adapted properties and there is a tenant who lives in this type of property but does not need those adaptations, then an offer of a direct let can be made to that tenant in respect of another property so that their property can be made available to another person on the housing register who requires those adaptations.
- If there are two existing tenants occupying separate 2 bedroom properties who want to give up both properties so that they can live together with their families in a 3 bedroom home, an offer of a direct let may be made to them so that the result will be that their existing 2 bedroom properties can be made available to other applicants on the housing register.

Section 4 of this document does not apply to an allocation made under this provision.

6.7 People who cannot succeed to a tenancy following the death of a tenant

6.7.1 Direct lets to those who are unable to succeed and who would otherwise be owed the full homelessness duty

Sometimes on the death of a tenant there are family or household members remaining in the property who do not have the legal right to succeed to the tenancy. This can happen when the deceased tenant was themselves a successor or because the family or household member is not eligible for some other reason (the rules relating to succession are set out in the Housing Act 1985). This means that although a person may have lived in the property for many years, they may become homeless when that tenant dies.

In cases where the council also owes that person the full homelessness duty (under Part 7 of the Act), a Housing Needs Manager may make an offer of a direct let of suitable accommodation to them, but the offer will not necessarily be in respect of the property that they are currently living in.

Decisions made under this section are to prevent homelessness of people in priority need (within the meaning of the Act).

6.7.2 Direct lets to those who are unable to succeed to a Council tenancy and who would not be owed the full homeless duty

Where a Crawley Borough Council introductory, secure or flexible tenant dies and there is no person qualified to succeed to the tenancy but there is an immediate family member of the deceased who resided with the tenant throughout the period of 5 years ending with the tenant's death, the Council may in those circumstances make an offer of a direct let to that family member.

An offer of a direct let under this section will be an offer of a flexible 2 year non-renewable tenancy of suitable accommodation, but the offer will not necessarily be in respect of the property that they are currently living in.

If the council agrees to grant a new tenancy in accordance with this section, the proposed tenant does not need to apply to join the housing register. However, they do have to provide sufficient information to allow the council to confirm that they are both eligible and qualifying. Decisions to make an allocation under this provision may be made by a Housing Manager jointly with a member of the Housing Needs Team.

Decisions made under this section are to give the proposed tenant the opportunity to plan for alternative housing and provide some short term stability following bereavement.

6.8 Direct lets to spouses, civil partners or co-habitees of existing secure tenants

From time to time the council receives requests from existing sole secure tenants to be granted a tenancy of their home together with their new or existing spouse, civil partner or co-habitee.

If the council is prepared to agree to such a request, then the grant of a joint tenancy to the existing tenant's spouse/civil partner/family member ("the proposed tenant") will be an allocation under *the Act*, however, the granting of the joint tenancy to the existing tenant is not.

The granting of a request for a new tenancy in these circumstances is at the council's discretion; the council is not under a legal obligation to grant requests for a new tenancy in these circumstances.

The council's policy regarding such requests is that it will consider granting a secure tenancy to an existing secure tenant and their partner if:

- The existing tenant is not already a successor themselves (within the meaning of s.88 of the Housing Act 1985);
- The proposed tenant is both eligible for an allocation and qualifying (i.e. they meet the criteria in **section 2.4**);
- The existing tenant does not have current rent arrears; and
- The proposed tenant does not have any history of anti-social behaviour or rent arrears.

If the council agrees to grant a new tenancy in accordance with this provision of this Housing Allocation Scheme, the proposed tenant does not need to apply to join the housing register. However, they do have to provide sufficient information to allow the council to confirm that they are both eligible and qualifying. Decisions to make an allocation under this provision may be made by a Housing Manager jointly with a member of the Housing Needs Team.

Section 4 of this document does not apply to an allocation made under this provision.

6.9 Allocation when the council buys a mortgaged or shared ownership home

If a person partly owns or owns a property which was purchased with a mortgage or in previous years through the Council's Shared Ownership Scheme and they are having financial difficulties, which means they cannot afford to maintain their home, they should first contact the Council's Housing Options Advice team or equivalent. A Housing Options Officer or equivalent will go through the person's finances and see if they are entitled to any assistance that may help them pay for repairs or maintenance to their home.

If after looking at their finances, the Housing Options Officer or equivalent decides that the person cannot afford to maintain their current home they will refer the case to the Head of Crawley Homes and the Head of Strategic Housing and Planning Services (or equivalent). They will then jointly decide whether the Council will itself buy the property back or buy it

back through the Government's Mortgage Rescue Scheme and then offer the person a social rented or affordable tenancy at up to 80% of market rent.

If such a decision is jointly made by the Head of Crawley Homes and the Head of Strategic Housing and Planning Services (or equivalent), the Housing Needs Manager may make an offer of a direct let to the person.

Any offer of a direct let will be made only after an agreement is entered into regarding the purchase of the property which may include a deduction for any repairs or maintenance or missed rent or other like payments owing to the council.

The offer of a direct let will be made in line with our property size conditions. This means that unless the person's current home meets these conditions, we will offer other accommodation that is suitable for their needs in accordance with section 4 and so they may not be offered a tenancy for their existing home.

If the council agrees to make an offer of a direct let in these circumstances, the person to whom the offer is made does not need to apply to join the housing register. However, they do have to provide sufficient information to allow the council to confirm that they are both eligible and qualifying (i.e. they meet the criteria in section 2.4).

To ensure that the Council makes best use of the existing housing stock in Crawley, there may be other circumstances where the Head of Crawley Homes and the Head of Strategic Housing and Planning Services will decide to buy a person's property and make a direct let.

6.10 Social care and supported accommodation

6.10.1 Sussex Oakleaf substance misuse tenancy support service

The council may make up to six properties per year available for allocation to applicants on the housing register who are 18 or over and who have been accepted by Sussex Oakleaf Housing Association onto its scheme.

A Housing Needs Officer may make an offer of a direct let to an applicant who has been accepted by Sussex Oakleaf Housing Association onto its scheme and who the Housing Needs Officer is satisfied is willing to engage in the scheme. An offer may only be made after written proof of acceptance onto this scheme is received by the council from Sussex Oakleaf Housing Association.

Note: Sussex Oakleaf Housing Association provides a substance misuse tenancy support service in Crawley. This is supported by the Crime and Disorder Reduction Partnership. Sussex Oakleaf Housing Association provides a comprehensive 12 month support service to council tenants who are accepted onto its scheme. After this period, the support service will end, if appropriate, or continue. The council is not involved whatsoever in decisions about who is accepted onto the scheme (including decision to reject an applicant for the scheme); such decisions are entirely a matter for Sussex Oakleaf Housing Association.

6.10.2 Crawley Foyer

The council may make up to five properties per year available for allocation to applicants on the housing register who are 18 or over and who:

- have successfully completed the Foyer Development Programme; and
- are assessed by Crawley Foyer as ready for independent living.

A Housing Needs Officer may make an offer of a direct let to an applicant after written confirmation is received by the council from Crawley Foyer that the applicant meets the above criteria.

By providing accommodation to applicants on the housing register under this section, this frees up spaces on the Foyer Development Programme which can then be accessed by young homeless people within the borough.

Note: The Crawley Foyer helps young people aged between 16 and 24 who are homeless and unemployed. It supports them in achieving their ambitions for training and employment, and then helps them become independent. The council is not involved whatsoever in decisions about who is accepted onto the Foyer Development Programme or any assessments made by the staff of Crawley Foyer; such decisions are entirely a matter for that organisation.

6.10.3 Southwell Housing Project

The council may make up to five properties per year available for allocation to applicants on the housing register who are 18 years or over and who:

- are being supported and accommodated by Sussex Central YMCA at Southwell Lodge; and
- are assessed by Sussex Central YMCA as no longer requiring their support.

A Housing Needs Officer may make an offer of a direct let to an applicant after written confirmation is received by the council from Sussex Central YMCA that the applicant meets the above criteria.

By providing accommodation to applicants on the housing register under this section, this frees up spaces on the Southwell Housing Project which can then be accessed by young homeless people within the borough.

Note: The Southwell Housing Project provides 10 units of supported accommodation for young people aged between 16 and 17 with identified high need and risk. It aims to offer intense support to meet the wide-ranging needs of the young people for up to two years. Referrals to the scheme will be made through the relevant housing panel meetings or equivalent. The council is not involved whatsoever in decisions about who is accepted onto the Southwell Housing Project or any assessments made by the staff of Sussex Central YMCA; such decisions are entirely a matter for that organisation.

6.10.4 Independent Living Scheme

The Independent Living Scheme delivers an individually tailored level of support to people with a range of disabilities living in general needs accommodation in the community. The accommodation is usually owned by the local authority or another general-needs housing association. It is offered to people who need support as well as housing, and then leased to an appropriate housing association (in this case, Southdown Housing Association) on behalf of the tenant. When the tenant moves out of the property, the lease ends and the property is returned to the original landlord for re-letting.

If the tenant no longer requires the support from Southdown Housing Association (usually after a period of two to three years of support) but wishes to remain in the accommodation, the lease ends and the person is offered an introductory tenancy with the council outside of the choice based lettings scheme.

The Independent Living Scheme offers opportunities for people who need support to live in ordinary tenancies and have greater choice over their lifestyle. This scheme is available for

people with physical disabilities, eyesight and hearing difficulties, learning disabilities and people who use mental-health services.

All the agencies work together to make sure tenants receive the best possible service. This process begins with a multi-agency referral panel supervised by officers from the council, Social Services, health staff and other providers (or equivalent) that want to take part.

People being considered for offers under this scheme will need to:

- need extra support to maintain their tenancy;
- meet the admission conditions for the scheme; and
- have a current application and be both eligible and qualifying (i.e. they meet the criteria in **section 2.4**).

Offers of suitable accommodation made to people eligible for this support and type of housing will be made as direct let.

The council have agreed to offer 28 one bedroom properties to people on the housing register to provide this support service.

6.10.5 Ewhurst Road Scheme

The Council may make up to five properties per year available for allocation to applicants on the housing register who are 18 years or over and who:

- are being supported and accommodated by on the Ewhurst Road Scheme; and
- are assessed by Cherchefelle Housing Association Ltd as no longer requiring their support.

A Housing Needs Officer may make an offer of a direct let to an applicant after written confirmation is received by the council from Cherchefelle Housing Association Ltd that the applicant meets the above criteria.

By providing accommodation to applicants on the housing register under this section, this frees up spaces on the Ewhurst Road Scheme which can then be accessed by young homeless people. By agreement with Cherchefelle Housing Association Ltd, such vacancies are filled by nominations by the council's Housing Options Team only.

Note: The Ewhurst Road Scheme is temporary accommodation provided by Cherchefelle Housing Association Ltd for up to 2 years for young people aged 16 to 21. The scheme provides accommodation and support to young people to help them get ready for independent living by helping them with paying rent, understanding tenancies, paying bills, and filling in forms, housekeeping and support in employment or full-time education. The council is not involved whatsoever in decisions about who is accepted onto the Ewhurst Road Scheme or any assessments made by the staff of Cherchefelle Housing Association Ltd; such decisions are entirely a matter for that organisation.

6.10.6 Extra Care housing

Extra Care housing schemes in Crawley are purpose-built housing for older people who have housing, care and support needs. These schemes are run by local registered social landlords but some of the accommodation is made available to the council to allocate to

applicants on its housing register.

Applicants who wish to be considered for an allocation for an Extra Care housing scheme accommodation will need to be accepted onto the housing register and usually have to be aged 55 or over. The council will usually not consider applicants for an allocation for an Extra Care housing scheme accommodation if the applicant (or their spouse or partner) owns their own home, unless their housing need is urgent and exceptional.

Before an applicant will be considered for an allocation for an Extra Care housing scheme accommodation, they must have had a care assessment carried out by a social worker from West Sussex County Council Adult Services (or equivalent). The care assessment will usually determine the number of hours of care an applicant needs per week and the applicant's level of care will be assessed as high, medium or low.

When a vacancy becomes available for allocation in an Extra Care scheme a panel (usually consisting of officers representing Social Services, the council and the Housing Association and Care Provider of the scheme) will meet. The panel will examine the overall balance of the current care needs of the existing tenants in the scheme to determine which category of care needs (high, medium or low) the vacancy is suitable for. The panel will then make an assessment as to which of the applicants with that assessed level of care has the greatest housing need.

The Housing Needs Manager may make an offer of a direct let to an applicant, taking into account the panel's assessment.

6.11 Applicants with exceptional housing circumstances

In exceptional circumstances, applicants on the housing register may be made an offer of a direct let.

Decisions relating to direct lets in exceptional circumstances will be made jointly by the Head of Strategic Housing and Planning, the Cabinet Member for Housing and the Housing Needs Manager.

Direct Lets authorised as exceptional circumstances will typically feature one of the following characteristics:

- A referral to the council from the Nation Witness Protection Scheme where the applicant has not been successful with bids through the choice based lettings scheme for a reasonable period of time.
- Where the needs of an applicant are confirmed as urgent, overriding, immediate and life threatening and not covered by any of the categories within the banding system.
- The applicant is a council or Housing Association tenant (who has applied to the council for a transfer of accommodation) and is living in accommodation that has been or could effectively be adapted to meet the needs of a disabled person who urgently needs it.

The above is not an exhaustive list but indicates the types of situations in which an offer of a direct let would be considered.

Before cases are considered for a direct let in this way, the council will ensure that other housing options have been explored to resolve the applicant's exceptional housing circumstances. For example, if it is reasonable and practicable for an applicant to be offered assistance with securing accommodation in the private sector or alternative affordable housing then these options will always be considered first.

7. Local lettings plan

In order to encourage sustainable and balanced communities it will be necessary, from time to time, for the council to apply specific lettings criteria designed to address local housing management issues. The plan will be representative of the Housing Allocations Scheme, the needs of the community and will promote community cohesion. In most cases a local lettings plan will only need to be applied on brand new developments over 15 units. (e.g. a block of twenty one and two bedroom social rented flats)

Local Lettings plans may be considered or already in existence for the following reasons:

- Planning restrictions
- Section 106 agreements
- The proportion of homeless households on estates
- Properties may be unsuitable for young children
- Restriction on the family size on estates to reduce child density.
- Specific housing management reasons. E.g. anti-social behaviour
- People who are able to pay rent who are not solely reliant on state benefits
- Changes to eligibility criteria for difficult to let schemes e.g. lowering the age of applicants to sheltered developments in certain circumstances

All new local lettings plans will be reviewed after 12 months of implementation with the Housing Association or social housing landlord.

All local lettings plans will be agreed by the Housing Needs Manager, Head of Strategic and Planning Services and the Cabinet Member for Housing.

8. Officers roles and responsibilities

This section explains which officers are responsible for taking decisions under this allocation scheme. Whenever an officer is named, the decision can be taken by a more senior officer in their management line or equivalent.

Eligibility and qualification

Housing Needs Officers have the authority to decide whether an applicant is eligible for an allocation and whether they are a qualifying person.

Choosing people for offers of accommodations

The Housing Needs Officers are responsible for identifying the applicant next in line for available accommodation in accordance with this Housing Allocations Scheme.

Assessing priority

The Housing Needs Officers are responsible for assessing an applicant's housing need in line with the allocation scheme. They will also decide which band to place an applicant in.

Housing Needs Officers will, where appropriate, identify applicants who may require a direct let based on their individual circumstances.

Removing an application from the register

Housing Needs Officers will decide whether it is appropriate to remove an applicant from the register in line with the housing allocation scheme.

Reviews

If an applicant asks for a review of a decision relating to their housing application (for example a decision about whether they are eligible or qualifying) a housing needs officer will prepare their case for review by a review panel. The review will follow the procedure set out in **Appendix 1**.

Home visits

Home visits will usually be carried out by a Housing Needs Officer and may be accompanied by another officer of the council if required.

9. Service standards

Processing applications

We aim to make a decision on applications within 12 working days of receiving all the information we need.

Home visits

We will carry out home visits at an appropriate time that is convenient for you and us. However, in some cases it may be essential that we carry out a home visit without prior notification. We will always show an identification badge with a photograph on it.

Appointments at the Town Hall

We aim to see visitors who have an appointment within five minutes of their appointment time.

Letters, emails and faxes

We aim to provide a full response to the letters, e-mails or faxes we receive (which require a response) within 10 working days. If this is not possible, we will explain why.

Phone calls

We aim to answer all calls to the office within 15 seconds.

Foreign languages

We will arrange for an interpreter (if you need one) for any interview or appointment. We will make all letters and leaflets available in other languages, in Braille, in large print or on audio tape, if we are asked.

Plain English

We will use plain English in all letters, e-mails, faxes and leaflets and avoid the use of jargon.

Reviews

We aim to carry out reviews within 28 days as detailed in **Appendix 1**.

Complaints

We aim to respond to all complaints within 10 working days. If this is not possible, we will explain why.

Customer newsletter

We aim to publish a newsletter to everyone on the housing register at least once a year. We will make this publication available electronically and other formats upon request.

Information on our performance

Every 6 months, we aim to provide information on the Housing Needs Service performance. We will display information on lettings, the number of people on the register and the number of people applying to join the register on the information screens at the Town Hall and on our website.

10. Amendments to this Housing Allocations Scheme

The council's constitution provides that minor amendments to this Housing Allocations Scheme may be made by the Cabinet Member for Housing.

Appendix 1 – The review procedure

There is a legislative requirement for local authorities to include in its scheme a right for applicants to request a review of decisions made in relation to their applications.

In addition to the statutory requirements, the council considers it to be a matter of good practice to ensure that all applicants have a mechanism for their housing applications to be reconsidered, even those to whom the statutory right does not apply.

Reconsideration of housing applications is called reviews and is assessed by a panel of officers who were not involved in the original decision.

The panel's function is to reconsider decisions reached on applications made under Part 6 of the Housing Act (i.e. applications for the *housing register*), which are separate and distinct from homeless applications made under Part 7 of the Housing Act.

The panel comprises:

- Housing Needs Manager – role is to chair the panel and vested with final decision making power (and not involved in the original decision);
- Senior Housing Needs Officer – involved in the preparation and investigation of the case (and not involved in the original decision).

Where special advice is required, other specialist advisers and/or other senior council officers (such as the Housing Options Manager or Team Leader, Head of Service) may also form part of the panel.

This internal review procedure gives the council an opportunity to ensure, as far as possible, that all decisions are fair, reasonable, accurate, consistent and will stand up to legal challenge in the courts.

Some examples of decisions applicants can seek a review of include (but not exhaustive):

- ineligibility for an allocation
- a decision about which Banding to place an application into
- decisions to lower priority for housing
- medical decisions (Banding decisions or the type of property an applicant is eligible to bid for).

There is no set format for an applicant to request a review, other than it must be made in writing, for example, by email or letter. Requests for a review should be made within 21 days of receipt of a decision letter. The applicant should state the reasons why they wish the original decision to be reviewed and any relevant information they wish to be taken into account, including any documents they want the panel to consider.

The review panel aims to hear all reviews within 28 days of receipt. However there may be some instances where it will be necessary to extend the 28-day timescale. The applicant will be informed of the decision to extend the 28 day period. Situations where an extension may be required include where further information is required or where the complexity of the case requires input from other specialists.

The review panel considers the information which was available to the original decision maker as well as any additional information or documentation given to it by the applicant. Sometimes the panel will decide that they require more information in order to reach a decision, in which case they will adjourn the panel to obtain the further information before a final decision is made and decide who is responsible for obtaining the further information. If they require the additional information from the applicant, the request for further information will be made to the applicant in writing and they will be given a period of time within which to provide it. If the information is not provided as requested, the panel may then go on to make a decision based on the information available to them.

After consideration of all the information available (including any information the panel decision they required in order to make a final decision), the panel will make a decision as follows, either:

- (1) Uphold the original decision (i.e. decide that the original decision was correct) because it was correctly made in accordance with legislation and policy; or
- (2) Decide that the original decision was wrong, in which case the panel will substitute their decision.

Where a decision has been reached, the applicant will be notified in writing of the review panel's decision including:

- What information was taken into consideration;
- How the final decision was reached by the review panel; and
- How it affects their housing application.

There is no further right of a review once a review panel has made a final decision. The decision can only be challenged by judicial review on a point of law.

Out of time reviews will only be considered where the applicant can evidence there were exceptional reasons why a request for a review could not be made within the 21 days. The decision to allow a review out of time will lie with the Housing Needs Manager and the Senior Housing Needs Officer or equivalent.

Appendix 2 – Information about some types of allocations which are outside the scope of Part 6 of the Housing Act 1996

As mentioned previously in this scheme, the granting of rights in relation to some council tenancies falls outside the scope of the allocations provisions of the Housing Act 1996 and so are not “allocations” for the purpose of the council’s Allocations Scheme. The council nonetheless has decided to include as an Appendix to this Scheme some situations in which people may reside in council accommodation. This means that the provision of accommodation to tenants as described in each situation below is outside the criteria otherwise set out in this document.

Transfer due to major work

If the council needs a secure or introductory tenant to move so that they can carry out major work, we will usually offer temporary accommodation while the work is being carried out, although depending on the tenant’s needs, in some cases the tenant may be offered a permanent transfer of accommodation which is of a similar type and size to the tenant’s current home, or, if the tenant’s home is larger than they require, we will offer them accommodation according to their current households needs.

Decanting tenants

If the council needs to move a secure or introductory tenant so that it can sell, demolish or renovate a property or block or estate we will offer a permanent transfer to another council property which is of a similar type and size to the tenant’s current home, or, if the tenant’s home is larger than they require, we will offer them accommodation according to their current households needs.

Succession to an introductory or secure tenancy

Legislation permits certain people to succeed (take over) introductory, secure and flexible tenancies upon the death of the original tenant. There are limits as to who can succeed and there can only be one succession in relation to any tenancy. A person who succeeds to the tenancy becomes the tenant. For further information about succession to Crawley Borough Council tenancies, please refer to the Council’s Tenancy Policy.

If the property is larger than required by the successor tenant and their household, or is in a sheltered housing scheme for which the successor tenant does not meet the eligibility conditions (see **section 4.3**) or has adaptations which are no longer required, the council may decide to offer the successor tenant other suitable accommodation that meet their needs.

Appendix 3 – Information about other Housing Options Available to applicants

The information below sets out some other useful information about housing options available to people seeking accommodation, but all of these fall outside the scope of the allocations provisions of the Housing Act 1996 and so are not “allocations” for the purpose of the council’s Housing Allocations Scheme. This means that none of the provisions set out in the body of this document apply to these types of accommodation, except where the council has decided to apply them as specified below.

As in many areas in England there is now a shortage of social housing in the Borough of Crawley compared to the ever increasing demand for this type of accommodation. Applicants who apply to the council for housing may wish to consider other housing options including the following:

Renting privately

Renting privately is considered a good option and offers several advantages over waiting a long time for social housing on the council’s housing register. Local Housing Allowance (Housing Benefit) is available from the council to help private tenants afford the rents that private landlords charge. Tenants may be entitled to receive the Local Housing Allowance even if they are in paid employment (subject to certain conditions).

Help and advice on renting privately is available from the council's Housing Needs or Housing Options teams or from the council's website www.crawley.gov.uk.

Rent Deposit scheme

The council’s rent deposit scheme offers landlords a guarantee in place of a cash deposit. This can help people who are in receipt of means tested benefits or on low incomes to secure somewhere to live in the private rented sector.

Who can get help with the scheme?

A person may be able to get help if:

- they are homeless, about to become homeless or they are living in non-secure accommodation;
- they are on a low income or are in receipt of means tested benefits and have little or no savings, and;
- You have lived in Crawley for 3 of the last 5 years or 6 of the last 12 months or a parent, brother/sister or dependant child lives in the borough, and;
- You have recourse to public funds and are not subject to immigration control.

You can get further information about the council’s rent deposit scheme by visiting www.crawley.gov.uk or by contacting the Housing Needs or Housing Options team.

Intermediate rent scheme

Some housing schemes involve letting properties on assured shorthold tenancies at intermediate rents which are set below market rents but higher than rents normally set for social housing.

Applicants wishing to be considered for such schemes should register with the Government's "Zone Agent" (currently Moat Housing Group).

From time to time Registered Social Landlords contact the council for suitable tenants for these schemes. The council may nominate an applicant on the housing register to the landlord and priority will be given to people who meet the local connection and residency qualifying criteria as set out in at **section 2.4.2.1** in the body of this document (such a nomination is not an "allocation" under the Act).

Affordable home ownership scheme

Applicants wishing to be considered for schemes designed to help people into home ownership should register with the Government's "Zone Agent" (currently Moat Housing Group) for Low Cost Homeownership Schemes (Help to Buy).

From time to time Registered Social Landlords contact the council for suitable applicants for these schemes. The council may nominate an applicant on the housing register to the landlord and priority will usually be given to those who are existing social housing tenants in the Borough of Crawley as this frees up homes for other people (such a nomination is not an "allocation" under the Act). Exceptions to this may be where funding has been provided to meet the housing needs of specific categories of people, such as key workers.

You can get further information by visiting www.crawley.gov.uk or by contacting the Housing Needs or Housing Options team.

Mutual exchange

Council tenants who wish to swap their homes with another social tenant can currently register for free at www.homeswapper.co.uk.

Once an entry onto the Homeswapper website has been approved by the council, tenants will be able to access information about other tenants in Crawley who wish to exchange properties, as well as details of those wishing to move here from outside the Borough.

Homeswapper will also email tenants at regular intervals with details of suitable exchange partners. If tenants do not have access to the internet, Homeswapper will send you details of suitable exchange partners via your mobile phone every two weeks.

If you do not have access to the internet yourself there are other ways for you to register and access the Homeswapper website;

- Family or friends □ Local libraries have internet access available to the public, as well as internet cafes
- Internet access to Homeswapper is available for FREE at the Town Hall
- Paper Application forms for Homeswapper are also available at the Town Hall.

For more information on how to exchange your property with another tenant contact your Neighbourhood Housing Manager or call 01293 438000. You must already be a council or housing association tenant to be considered for a mutual exchange. You must also have a clear rent account.

Appendix 4 – Income Assessment process

Why does the council carry out an Income Assessment?

The council operates an income assessment policy to determine whether or not shared ownership housing (low cost home ownership) through the Governments Help to Buy Scheme is an affordable option for applicants on the housing register

The priority of those applicants who can afford shared ownership (low cost home ownership) is normally lowered to band D to make it clear from the outset that they have a very low priority for social rented accommodation because they could afford to take part in the Help to Buy Scheme.

An income assessment will also be carried out immediately prior to an allocation of social rented housing being made to an applicant.

How we do it

An income assessment is carried out by assuming that the applicant will be purchasing a 30% share in a newly built property which is of suitable size for them and their household. The average valuation of newly built properties is obtained from the council's property department and/or its Registered Social Landlord partners.

a) Monthly mortgage calculation

The expected monthly mortgage payment is worked out. The interest rate used is based on the Average High Street Mortgage rate at the time and the mortgage term used is normally 25 years.

To reflect reality, the mortgage term within the calculation will be adjusted as appropriate to ensure affordability for an applicant who may not be eligible for a mortgage over a 25 year period, e.g. applicant aged 55 may only be eligible for a mortgage term of 10-15 years.

b) Monthly rental calculation

The expected monthly rental payment is worked out. The monthly rental to be based on the un-purchased share of the property and is financed by the Housing Association. For example, if an applicant purchases a 30% share, this leaves rent to be paid on 70% of the property.

The yearly rent payable is calculated by multiplying the un-purchased equity by a set rental factor.

The rental factor used will normally be the same as that used by the Governments Help to Buy Zone Agent – currently 2.75% of un-purchased equity for all values of property.

For example, if the applicant purchases a 30% share in a property worth £100,000. This will mean that they have purchased £30,000 of the equity. This will leave rent to be paid on the remaining £70,000

The yearly rent will therefore be 2.75% of £70,000 i.e. £1925 per year or £160.42 per month.

c) Monthly service charges

The expected monthly service charge for a property is worked out. The service charge used will normally be the same as that calculated by the Help to Buy Zone Agent – currently £80 per month.

d) Total monthly housing expenses and affordability

The costs from a), b) and c) are added together and if they take up less than **40%** of the applicant's **net** income then shared ownership is considered affordable by the applicant. The applicant's re-housing priority for social rented housing would then be lowered to Band D.

When working out income, we would take into account all income and savings except for Disability Living Allowance, Child Benefit and means tested state benefits (so we will not take into account tax credits, income support, job seekers allowance etc).

We will also deduct any child maintenance payments as long as these have been ordered by a Court or by the Child Support Agency.

In the following circumstances, an income assessment would not be carried out and an allocation of social rented accommodation can be made:

- If an applicant is being considered for retirement accommodation in the form of sheltered accommodation or a bungalow; or
- If an applicant is giving up a large property for a smaller property (for example, a four bedroom house for a one-bedroom property).

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