

# **EAST HERTS COUNCIL**

## **HOUSING REGISTER** **&** **ALLOCATIONS POLICY**

January 2020

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Policy Owner : Service Manager - Housing Services

# **1.0 Introduction**

East Herts Council does not own any homes, having transferred all of its housing stock to Riversmead (now Network Homes) and South Anglia (now Clarion) housing associations in 2002. This policy sets out who can apply for social housing and how East Herts Council, working in partnership with a number of private Registered Providers (RPs), will allocate social housing within the district. East Herts Council administers a Housing Register (HR) which is also called a Common Housing Register (CHR) for all applicants of social housing provided by Registered Providers throughout the district.

This Allocations Policy applies to:

- new applicants
- existing tenants of a Registered Provider in housing need who want to transfer either with their current landlord or to another Registered Provider

This document has been drafted taking into account current legislation, case law and best practice. The policy has been consulted on with the Council's internal and external partners and has been discussed by the locally elected Councillors. The policy was adopted at the East Herts Annual Council meeting on 15<sup>th</sup> May 2013.

## **1.1 Aims and Objectives of the Allocations Policy**

The policy enables East Herts Council to consider the individual needs of its applicants whilst making best use of the scarce resource of housing stock. The policy sets out:

1. How to apply for housing.
2. Who is eligible and who will qualify to be accepted onto the housing register.
3. How priority for housing applicants will be given.
4. What the decision-making processes are.
5. How homes will be let through Choice Based Lettings.

The key objectives of the policy are:

- To discharge the Council's statutory duties as contained in Part VI and Part VII of the Housing Act 1996, as amended by the Homeless Act 2002 and the Localism Act 2011
- To help local people with a housing need find suitable accommodation within East Hertfordshire
- To ensure that priority is given to those in the greatest housing need
- To enable applicants to make an informed choice about where they would like to live, subject to relevant law and policy
- To allow applicants to be considered for vacant properties in the area of their choice
- To prevent people from becoming statutorily homeless
- To promote the development of sustainable communities
- To make the most efficient use of the limited social housing in the district

- To provide a fair and transparent system for the allocation of social housing that is easily understood by applicants, staff, elected members and partner organisations
- To promote equal opportunities in the policy by ensuring that no one is treated less favourably on the grounds of religion, gender, marital status, race, nationality, ethnic or national origin, colour, disability or sexual orientation

## **1.2 Administration of the Housing Register and Choice Based Lettings**

The Housing Register is a database, administered by East Herts Council, of everyone who has applied for housing in East Herts, through the Council's Housing Register, who is eligible and qualifies to receive an offer of accommodation.

Through the HR each applicant's housing needs are assessed and a level of priority given which is expressed as a number of points. The guiding principle is that the applicant with the highest level of points for a property will be allocated that property subject to some exceptions which are set out in the policy. The policy also establishes the size of a property for which an applicant is eligible.

The Council allocates accommodation through a Choice Based Letting (CBL) Scheme called Home Option. The scheme enables applicants to express an interest in available properties which are advertised in a weekly publication and on a website. Under the CBL Scheme applicants are able to register an interest in properties that are suitable for their household's size and needs in accordance with the terms of this Housing Register and Allocations Policy.

**Statement of Choice:** East Herts Council is fully committed to enabling applicants to play a more active role in choosing where they live, whilst continuing to house those in the greatest need in East Hertfordshire.

## **2.0 The Legal Context**

All applicants for housing will be assessed to determine their eligibility and qualification to be placed on the housing register. This is to ensure homes are let to those in the highest assessed need and ensures that the Council meets its legal obligations as set out in the Housing Act (1996) as amended by Homelessness Act (2002) and the Localism Act (2011) and the Homelessness Reduction Act 2017.

This policy also has regard to:

- the Code of Guidance, Allocation of Accommodation: guidance for local housing authorities in England, and
- East Herts Council's Homelessness Strategy, and
- East Herts Council's Tenancy Strategy

The law states that there are five groups of applicants where reasonable preference must be considered when assessing housing need:

- 1 People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002.)
- 2 People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 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 section 192(3)
- 3 People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- 4 People who need to move on medical or welfare grounds (including grounds relating to a disability); and
- 5 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)

This Housing Register and Allocations Policy has been designed to ensure applicants who fall into the above reasonable preference categories will be awarded reasonable preference on the Council's Housing Register.

For the purposes of Part 6 of the Housing Act 1996 (as amended), the Council allocates accommodation when it nominates a person to be an assured or introductory tenant of accommodation held by a Registered Provider.

Circumstances where this Allocations Policy will not apply are:

- Where a tenant succeeds to a tenancy
- Renewals of Flexible Tenancies or Fixed Term Tenancies into the same property
- Mutual exchanges by existing social housing tenants

Other specific exemptions from the provisions of Part 6 are set out in section 160 of the Housing Act 1996 (as amended), and the Allocation of Housing (England) Regulations 2002 (SI 2002/3264).

## **3.0 The Housing Register**

The Council is not obliged to maintain a Housing Register but it has chosen to do so. The Housing Register is maintained by the Housing Service based at Wallfields in Hertford.

### **3.1 Eligibility and Qualification to join the Housing Register**

Any person aged 18 or over can apply to join the Housing Register. This applies whether they are currently living in East Herts or outside of the district. Applicants aged 16 or 17 can also apply to join the Housing Register if they have been accepted by the Council as homeless and in priority need, in accordance with the Homeless Act 2002 (as amended) or are Careleavers referred by Herts County Council.

The Council will take a two stage approach to determine whether an applicant will be accepted onto the Housing Register. The two stage approach is as follows:

- Is someone eligible for housing?

- Do they qualify?

Applicants who fail to meet these two stages will not be accepted onto the Housing Register. Applicants who have not been accepted onto the Housing Register, because they are ineligible or do not qualify, will be given the reasons why and information on the review process (Appendix 3).

### 3.1.1 Persons who are ineligible for the Housing Register

East Herts Council cannot, by law, allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996), unless they fall within a class exempted from this restriction by government regulations. In addition East Herts Council cannot allocate housing accommodation to other classes of persons from abroad if, by law, government regulations state we cannot.

Applicants whose immigration status makes them ineligible to be considered on the Register will be notified in writing of the decision and the reason for the decision. If an applicant is accepted onto the register, but subsequently becomes ineligible, their housing application will be cancelled and the applicant notified.

### 3.1.2 Persons who do not qualify for the Housing Register

The Council may only allocate accommodation to people who are defined as “qualifying persons” under section 160ZA(6)(a). Subject to the requirements not to allocate to persons from abroad who are ineligible the Council has determined the following potential applicants who will not be qualifying persons and these are set out below.

#### i) Homeowners

In recognition of the level of housing need in the district, and the shortage of available properties, applicants who own a property, whether in sole or joint names (either freehold, leasehold, under mortgage or shared ownership) will not qualify for access to the housing register. This includes properties purchased under the right to buy or the right to acquire, properties abroad and properties that have been sublet. The Council will take into account any equity in a property as well as any savings or other capital assets. At the discretion of the council this can be waived for applicants who are:

- older people (aged 55 plus or less if specified by the RP) who cannot stay in their own home and need to move into specialist accommodation, for example sheltered or flexi care housing where the nature of their current accommodation does not meet their housing need. Applicants will be assessed against whether they have sufficient financial or equity resources to meet the costs of their housing need.
- other owner occupiers who can demonstrate that their specific circumstances mean that they need to apply for social housing due to hardship or inability to secure their own accommodation eg a household with a disabled member and their home cannot be adapted as confirmed by an Occupational Therapist and they cannot afford to purchase alternative more suitable accommodation.

Documentary evidence, which will be reviewed on a case by case basis by the Housing Needs Manager, who will make a decision on whether the exception should be made.

ii) Earned income and/or savings

Applicants with a total gross household income (before deductions), from earned income and income from investments and savings, of over £48,000 per annum will not qualify to join the Housing Register. Where applicants have financial assets (capital/savings) which are large enough to provide access to other forms of tenure to meet their housing need (for example to buy or rent privately) they will not qualify to join the housing register but will be offered advice on alternative housing options.

Any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded in such an affordability calculation.

An exemption from the income assessment will apply if:

- The applicant or partner is owed a duty by East Herts Council under Section 193 (2) of the Housing Act 1996 (as amended)

Or

- The applicant or partner, where applicable, is in receipt of one of the following:

- Income Support
- Income-Based Jobseekers Allowance
- Working Tax Credit
- Housing benefit
- Council Tax benefit
- Pension Credit
- Income based ESA (Employment and Support Allowance)
- Universal Credit

The following types of income are fully disregarded when considering gross household income:

- Attendance Allowance
- Disability Living Allowance or Personal Independence Payments
- Maintenance for dependent children

Copies of award notices will be required.

The Council will not set a limit on what constitutes sufficient resources as each case will be assessed individually taking into account the needs of the applicants and members of their household. Such cases will be assessed for qualification for the Housing Register by the Housing Needs Manager.

iii) People who behave in an unacceptable way

Applicants may not qualify to join the housing register if the applicant, or any member of their household who wishes to be housed with them, are guilty of unacceptable

behaviour serious enough to make them unsuitable to be a tenant of a Housing Authority or RP, and there is sufficient evidence that this behaviour is likely to continue and create problems for the neighbouring households.

In order to determine whether someone's behaviour is serious enough that they do not qualify for the housing register, the Council will consider their behaviour against what is required to prove one of the Grounds (1 to 7) for Possession for Secure Tenancies, and determine whether, had they been a secure tenant, there would be sufficient evidence to obtain a possession order against that applicant.

Applications that do not qualify due to unacceptable and/or anti-social behaviour can make a fresh application after one year from the date of notification of not qualifying if they feel that there is good reason why they should now qualify. Such applicants will need to show that there has been a material change in their behaviour or their circumstances.

#### iv) Outstanding housing related debts

Applicants who have outstanding housing related debts will have the circumstances surrounding the debts investigated prior to any decision on qualification for the register being made. They will also be given the opportunity to either:

- clear the debt in full  
or
- show they have demonstrated a genuine commitment to clear any debt in installments by making regular agreed payments to the Council or RP for a period of no less than six months.

The following include types of housing related debts that will be considered:

- rent and/or service charge arrears accrued whilst in East Herts Council's temporary accommodation
- outstanding recharges related to a stay in East Herts Council's temporary accommodation (e.g. charges for damage, cleaning or rubbish removal)
- outstanding arrears from a current or previous RP or Local Authority tenancy
- non-repayment of East Herts Rent Deposit grant

An applicant's eligibility and qualification for the Housing Register may change whilst the application is actively being considered. Applicants are required to notify the Council of any change in circumstance. Such changes may result in an applicant becoming ineligible and/or not qualifying for the housing register.

### **3.2 Reviews of Decisions on Eligibility and Qualification**

Where the Council decides that an applicant is ineligible or does not qualify to join the Housing Register for any of the reasons given above, the Council will record its decision and will provide the applicant with written notification. The notification will give clear grounds for the decision which will be based on the relevant facts of the case. Any

decision to exclude an applicant from membership of the register will be agreed by the Housing Needs Manager.

Applicants have the right to request a review of any decision by the Council as to eligibility or qualification together with a right to be informed of the decision on review and the grounds for that decision. Further details concerning the right to request a review are set out in Appendix 3.

### **3.3 How to Apply for the Housing Register**

Applicants should only include on their application persons who will be part of their household and occupying the accommodation as their only principal home this includes children born after the registration date or other children aged under 18 joining the household where it is proved that the main applicant is the sole legal guardian.

Non-dependent children/step children over 18 years of age will only be considered as part of the household where they have had continuous recorded residence with the applicant and have never had their own independent accommodation. Other adult relatives and siblings and any other adult included in the application will be expected to make separate applications unless they are currently living together and have lived together continuously for the previous year.

The council can also take into account the following when considering who is included in the household:

- A foster child living with his foster parent is treated as living in the same household as his foster parent.
- A carer, where the applicant can demonstrate that a live-in carer is needed, one has been identified and has either moved in with the applicant, or would be ready to do so when housing is made available (subject to a medical assessment and appropriate recommendation from the Council's Medical Adviser and recommendation from Adult Services or Mental Health Services).
- Persons accepted as household members for the purposes of a homelessness application where the Council has accepted and retains a re-housing duty.
- Applications from other households (e.g. consisting of 3 generations of the same family or 2 or more siblings) can be considered but the council will require independent confirmation that there is a permanent and significant medical or support requirement that can only be met if they be considered as one household.

Anyone included on the application must not have a legal interest in any other property.

The applicant or any member of their household cannot be included on more than one live housing register application at any one time.

#### **3.3.1 Application form**

Applicants wishing to join the Housing Register are required to complete an online Housing Register application form. The form is available on the Home Option website

(<http://www.homeoption.org/> ) or accessed via the Housing pages on the Council's website.

### 3.3.2 How to get help completing forms

Members of staff in the Council's Housing Options Team can provide assistance in filling in application forms to join the Housing Register. The Council has computers in its two receptions at Hertford and Bishop's Stortford that can be used to complete the form.

### 3.3.3 Assessment of applications

People applying to join the Register will be asked to provide proof to support their application. This includes proof of identity, eligibility and qualification:

- Birth certificate of the applicant and each member of the household on the application form
- Photographic ID for the main applicant and partner to include either a passport or drivers licence
- Current address
- Income and any savings

If an applicant cannot provide these documents then the applicant should contact the Housing Options Service to discuss suitable alternative evidence.

The Council will make any other enquiries as they deem necessary in order to assess the application. This may involve contacting previous landlords, health or medical advisors, police etc. If all the required supporting documents are not received within 28 days by the Housing Options Service from the date of the online form being completed the application will be cancelled.

Once an application has been assessed for eligibility and qualification for the Housing Register, a letter will be sent by post or email. The letter will:

- Explain the number of points the application has been awarded and what the points are for
- Advise how to bid for a property under the Choice Based Letting Scheme and how to access the Scheme User Guide online
- Give the size (and if applicable the type) of property for which the applicant is eligible
- Include a reminder to inform the Council of any change in circumstances that might affect the points awarded
- Give a Housing Register registration number
- Confirm the effective date of application onto the Housing Register
- Give a contact address and telephone number at the Council

If the application to join the Housing Register has been unsuccessful, (see section 3.1.) the letter will give the reasons why the application was unsuccessful and details of the review procedure.

### 3.3.4 Joint applications

Applicants can include on the application anyone who could reasonably be expected to live with them. For joint or shared applications both applicants must satisfy the conditions on eligibility and qualification to be given a joint tenancy. An applicant can

have only one application as a joint or sole applicant on the Housing Register at any one time.

### 3.3.5 Change in circumstances

Applicants are required to inform the Council prior to or immediately after any material change in their household's circumstances, such as a new baby or change of address, so the Council can ensure that their records are up to date and that an applicant is prioritised correctly.

### 3.3.6 Households split through lack of accommodation

Members of the same family who are forced to live apart through lack of accommodation should complete an application by assuming the family is living together in whichever accommodation offers the best living conditions. However, the Council must be informed of the circumstances of the application and the details of the other less suitable accommodation that is available to the family.

### 3.3.7 Access to children

Applicants with a shared residence order or staying access for children are not automatically entitled to bedrooms for their children. The general principle is that a child needs one suitable home and that the council does not accept responsibility for providing a second home. Where there is equal shared care the Housing Option Team will consider each case individually and the suitability of accommodation available to each parent.

### 3.3.8 Applicants who deliberately make their housing situation worse

The council will consider whether an applicant has deliberately made their housing situation worse to increase their housing need and consequently improve their chances of rehousing through the register. Where applicants have moved into accommodation that is unsuitable and made an application for accommodation from that address they will be assessed as having No Fixed Abode for six months from the date of moving into that accommodation. If this restriction is removed, after six months, then the application will be pointed on the current accommodation and the effective date of application will be the original application.

### 3.3.9 Consent and declaration

When an applicant signs the Housing Register application (including electronic signatures) applicants give their consent and declare that :

- The information they have provided is true, accurate and complete
- They will inform the Council of any change in their circumstances
- They give their consent for the council to disclose information about them which is necessary for nominating them to a home that may be available for letting by a housing association. They consent to the Council making enquiries of any relevant persons to confirm the information on the application form is correct or to add to the information given where this is necessary to complete an assessment of need or consider suitability for housing.

Information about Housing Register applicants is only disclosed without an applicant's consent in the following defined circumstances:

- In accordance with s115 of the Crime and Disorder Act 1998 as part of a criminal investigation;
- Where there is a serious threat to the applicant themselves or to another party's staff or contractors if the information is not disclosed;

Section 171 of the Housing Act 1996 as amended by the Homelessness Act 2002 makes it an offence for anyone seeking assistance from a local authority to:

- knowingly or recklessly give false information to the authority;  
or
- knowingly withhold information which the authority has reasonably required them to give in connection with the exercise of their functions under Part VI of the Housing Act 1996 as amended by the Homelessness Act 2002

A person guilty of an offence under this section is liable on summary conviction to a fine. Legal proceedings may begin if:

- any false information is given, or information withheld, on an application form to appear on the housing register
- any false information is given, or information withheld, in response to subsequent letters or other update mechanisms
- any false information is given, or information withheld, by applicants during a review

If the council discovers an applicant has knowingly or recklessly given false or misleading information and/or has knowingly withheld relevant information, the application will be cancelled and legal proceedings may be initiated. If an applicant has been nominated to a property then that offer will be withdrawn. The council or a local registered provider can seek possession of a tenancy that they have granted as a result of a false statement by the tenant or a person acting for the tenant.

### **3.4 Home Visits**

Applicants' circumstances will be verified by means of either a home visit or if this is not possible an office interview before an offer of accommodation is made. This interview is carried out when an application is considered to have sufficient points that it is likely that future bids by the applicant could be successful. The interview is used to ensure that the points that have been awarded are correct and that the size and type of property that an applicant is eligible to bid for is correct and that the applicant is still eligible and qualifies to be on the Council's Housing Register. If it is found that the details on the form are incorrect or circumstances have changed, then the application will be reassessed. Whilst reassessment is being undertaken any offers made will be withdrawn.

The interview is also used to ensure that applicant understands the Choice Based Lettings bidding process and to assess whether an applicant will need assistance with the process.

## **4.0 Assessment of Housing Need**

### **4.1 The Points System**

The Council's Housing Register is based on a points system. Points are awarded depending on an applicant's current circumstances and the type of home in which they currently live. The total points allocated indicate housing need. In this way the council gives greater priority to those in the greatest housing need so enabling it to make the most effective use of the homes available to it. The law also requires the council to give preference to certain categories of housing need and these have been included within the points system. More detail on this is at section 1.1 Legal Context.

#### **4.1.1 Bedroom requirement**

In deciding the number of bedrooms/bed spaces required, the following guidelines will be used:

each adult couple or single parent	1 bedroom (double/ 2 bedspaces)
any other adult (aged 16 or over)	1 bedroom (single)
two boys or two girls aged under 16	1 bedroom (double/2 bedspaces)
One child either a boy or a girl aged 1-15	1 bedroom (single )
two children aged 0-9 whatever their sex	1 bedroom (double/2 bedspaces)

The following table shows examples of household types and the number of bedrooms for each. In the event that there is an application not covered by this the policy principle set out above will be applied.

Single person of any age	Bedsit
Single person	1 bedroom
Single person with access to children	
Couple	
Couple or single parent with:	2 bedrooms
<ul style="list-style-type: none"><li>• One child over 1 year</li><li>• Two children of the same sex under 16</li><li>• Two children under 10</li></ul>	
Couple or single parent with:	3 bedrooms
<ul style="list-style-type: none"><li>• Two children of the opposite sex where one is 10 or over</li><li>• Two children of the same sex where one is 16 or over</li><li>• Three children in any other combination unless all children are over 16</li><li>• Four children where 2 pairs of children would be expected to share a bedroom (see 2 bedroom)</li></ul>	
Couple or single parent with:	4 bedrooms

<ul style="list-style-type: none"> <li>• Five children</li> <li>• Four children where 2 pairs of children would not be expected to share a room (see 2 bedroom)</li> <li>• Three children where all children are over 16</li> </ul>	
Couple or Single parent with 6 or more children	5 bedrooms

20 POINTS will be allocated for each bedroom or bed space less than the above standard. The Council considers that a child under the age of one year can share a bedroom with its parent(s), so no lacking bedroom points will be awarded until the child is 1 year of age. However households that have one child, irrespective of age, or an applicant with a first confirmed pregnancy would be eligible to bid for a two bedroom property.

Assured tenants of an existing social tenancy in East Herts, who wish to transfer to a smaller property, will have 20 points allocated to their application for each bedroom that is freed up by the move. The Council will take into account the number of bedrooms guidelines for their household when deciding on the number of points to be awarded.

#### 4.1.2 The absence of facilities

Points are awarded in the following circumstances:

	<i>Awarded for absence of:-</i>
5 POINTS	Absence of a bathroom with a bath or shower
10 POINTS	Kitchen facilities
10 POINTS	A toilet
5 POINTS	Inside toilet (not given if lacking a toilet points awarded)
10 POINTS	Piped water supply
5 POINTS	Hot water supply
10 POINTS	Electricity

#### 4.1.3 Poor or unsatisfactory housing

This relates to private sector tenants and residents of dwellings where the Council's Environmental Health Service has determined that the property poses a Category 1 hazard under the Health and Safety Fitness Rating. Points can be will be awarded if the property is unsanitary or unsatisfactory because of its condition.

15 POINTS MAXIMUM, in steps of 5 POINTS will be awarded in consultation with the Council's Environmental Health Service.

#### 4.1.4 Sharing of facilities

24 POINTS MAXIMUM will be awarded if a bathroom, kitchen or toilet is shared with people not on the application or part of the applicant's intended household. In these cases, 1 POINT is awarded for every such person sharing the facility up to the

maximum.

1 POINT	Bathroom
1 POINT	Kitchen
1 POINT	Toilet

For example if a bathroom and kitchen is shared with 3 other people not on the application, points will be calculated as follows:

$$2 \text{ (kitchen and bathroom)} \times 3 \text{ (people)} = 6 \text{ POINTS}$$

#### 4.1.5 Statutory overcrowding

20 POINTS MAXIMUM will be awarded when a property occupied by an applicant is overcrowded as defined by Part 10 of the Housing Act 1985. This is in addition to the award of points for bedroom deficiency. Points are awarded on the recommendation of the Council's Environmental Health Service.

#### 4.1.6 Caravan, mobile home or boat

5 POINTS will be awarded in addition to any other points awarded if the applicant's only residence is a caravan, mobile home or boat.

#### 4.1.7 District residency or connection

Points can be awarded for having either a local residency or an employment connection with East Herts, but not for both.

**Applicant's Residency:** 50 POINTS will be awarded if the applicant meets one of the following conditions, (proof will be required):

- The applicant is currently resident in the East Herts area and has lived in the area continuously for the preceding 12 months.
- The applicant is owed a duty under Part VII of the Housing Act 1996 by East Herts Council and the applicant has not been referred to another Local Authority
- The applicant is an elderly person (over 60 years) and has lived in East Herts for 10 years at any time in the past and has a close relative (defined as parents, adult children or adult brothers or sisters) currently residing who has been resident continuously for a period of at least five years prior to the date of the application.

**Other residency:** 20 POINTS will be awarded if the applicant meets the following condition, (proof will be required):

- The applicant lives outside East Herts and has parents, adult children or adult brothers or sisters who currently reside in East Herts and they have been resident continuously for the preceding five years.

**Employment:** 30 POINTS will be awarded if the applicant meets one of the following conditions, proof will be required:

- The applicant's usual place of work is in East Herts, they work for at least 16 hours per week and have done so for continuously for at least the preceding 12 months.

The following applicants will also be assessed for the award of District Residency points:

- People temporarily living outside of the East Herts District whilst receiving medical or respite care, or serving a prison sentence.

Applicants not considered to be normally resident within the East Herts District are those living here temporarily and will not be awarded District Residency Points. This includes:

- Anyone who is living in the district whilst on holiday or is here for medical treatment.
- Anyone who is living in the district due to being temporarily housed here by another authority.

#### 4.1.8 Persons with limited means

10 POINTS can be awarded where economic circumstances result in difficulties in an applicant obtaining accommodation themselves.

If the applicant is on a means tested benefit, such as Income Support, Universal Credit, Housing Benefit etc, proof will be required before the points are allocated.

Where an applicant's total net household income, from all sources, is less than the benefit cap level, as set by the government, for their household size then points can be awarded.

The following types of income are fully disregarded when considering household income:

- Attendance Allowance
- Disability Living Allowance or Personal Independence Payments
- Maintenance for dependent children

However applicants or joint applicants who have savings of £16,000 or more will not be eligible for Limited Means Points irrespective of their income source or levels. Proof will be required.

#### 4.1.9 Medical assessment

If there are medical circumstances that are affected by the applicant's current accommodation and need to be taken into account, applicants must obtain a medical form from the Council's Housing Options Team. When this is completed the Council's Medical Adviser will make an independent assessment and recommend an award of points. These will put onto the application by an allocations officer. Where there is more one than applicant in a household with a medical need an assessment of the points to be awarded will be based on the household's overall need.

Points will be awarded on a sliding scale as follows:

0 POINTS	for No priority
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5 POINTS	for Low Priority (low detriment to health)
10 POINTS	for Low to Medium Priority ( moderate detriment to health)
15 POINTS	Medium Priority (chronic health conditions)
25 POINTS	for High Priority (serious detriment to health)
50 POINTS	for Urgent Priority (not life threatening)
75 POINTS	for Urgent Priority (life threatening)

#### 4.1.10 Additional preference

Additional Points of 10, 20, 30 or 50 points can be awarded to applicants who have had points awarded to their application because they fall into one of the five reasonable preference categories and they also meet one of the following two criteria:

a) Armed Forces

If the applicant is from one of the following four categories of Armed Forces persons defined by the Government:

1. former members of the Armed Forces, that have been honourably discharged and make an application within 5 years of discharge
2. serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service;
3. bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner;
4. serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

b) Foster and adopters

Applicants who have been approved to foster or adopt by Herts County Council may be eligible for the award of Additional Preference points if they are in housing need and their accommodation needs can be realistically met by an offer of accommodation.

The level of points awarded for Additional Preference will be agreed by the Housing Needs Manager and will depend on the need to move and any medical or disability issues of the applicant or member of their household.

#### 4.1.11 Security of accommodation

This covers instances where it is known that a household is about to lose or likely to lose the use of their present accommodation.

200 POINTS will be awarded where an applicant's home in East Herts is subject to a Demolition or Closing Order or possession under the Rent (Agricultural) Act 1976. There is a statutory duty upon the Council to rehouse in these circumstances and so a high number of points are awarded.

Points will be awarded as follows:

<b>70 POINTS</b>	If the applicant is owed the S193 (2) Main duty and the 189(B) Relief Duty has come to an end.
An additional maximum of <b>20 POINTS</b>	If the applicant is in accommodation arranged by East Herts Council an additional 10 points will be awarded to the application each month, from the date of the S193 (2) Main duty decision if a property has not been bid for successfully under CBL, up to a maximum of 20 points.
<b>60 points</b>	Applicants who are homeless and are owed the S189B Relief Duty and would be owed or likely to be owed the S193 (2) Main duty when the Relief Duty came to an end because they are, or would be likely to be, in priority need and unintentionally homeless.
<b>40 POINTS</b>	If the applicant is housed, by East Herts Council, as homeless in private sector leased accommodation and is owed or is likely to be owed the S193(2) Main duty when the 189B Relief Duty came to an end because they are or would likely to be in priority need and unintentionally homeless .
<b>25 Points</b>	Applicants likely to lose accommodation from a Notice or Order in 2 months. Applicant owed a S195 Prevention Duty or a S189(B) Relief Duty but are unlikely to be owed the Section 193(2) Main duty if the Prevention Duty or any 189(B) Relief duty that followed were to end unsuccessfully
<b>25 points</b>	Applicants likely to lose accommodation from a Notice or Order in 2 months. Applicant owed the S195 Prevent Duty and would be likely to be owed the Section 193(2) Main duty if both the Prevention Duty and any 189(B) Relief duty that followed were to end unsuccessfully and they would be, or would be likely to be, found to be in priority need and unintentionally homeless.
An additional <b>20 POINTS</b>	These applicants will be awarded an additional 20 prevention points at one month from the date of acceptance of the Prevention Duty.
<b>25 Points</b>	If an applicant is in temporary, supported accommodation, prison or institutional care or if an

	applicant continues to occupy temporary accommodation, provided by East Herts Council, following a decision of no Main housing duty or Relief Duty.
10 POINTS	If an applicant is likely to lose accommodation in 1 year. These points will be awarded to all applicants in assured shorthold tenancies whether or not notice has been given by the landlord.
20 POINTS	If the applicant is an assured tenant of an East Herts social tenancy who will vacate their existing home to transfer to another social tenancy. These points are awarded to an application after one year of moving into the current home, whether it is an introductory or assured tenancy, from which the application is being made.

For Armed Forces personnel as defined at section 4.1.2 on production of the Cessation to Occupy Notice, served on the applicant by the Ministry of Defence to leave designated Forces Accommodation, 25 points for Security of Accommodation can be awarded up to 6 months before the notice expires. Without supporting evidence these points are awarded at the discretion of the Housing Options Service.

If an applicant is in temporary, supported accommodation, prison or institutional care they will be awarded 25 Insecurity of Tenure points and will not be eligible for sharing facilities or lacking bedroom points.

If the applicant is temporarily housed by East Herts under Part VII of the Housing Act 1996, Section 193 or Section 189 (B) and points are awarded on their application for Insecure Accommodation, they will not be awarded points for the Sharing of Facilities or lacking a bedroom according to the bedroom requirements. Applicants that continue to occupy temporary accommodation following a decision of no housing duty will retain their 25 points for Insecurity of Tenure but will not be eligible for Sharing or lacking bedroom points.

#### 4.1.12 No fixed abode

40 POINTS are awarded to applicants who have no fixed abode or people sleeping rough once the designated allocations officer is satisfied that an applicant does not have access to settled accommodation. Where points are awarded for No Fixed Abode points will not be awarded for either lack of facilities, sharing of facilities or lacking bedroom(s).

Where applicants have moved into accommodation that is unsuitable for example due to significant overcrowding or insecurity and make an application for accommodation from that address No Fixed Abode points will be awarded to that application for 6 months from the date of moving into that accommodation. This will be reviewed 6 months after the moving into the unsuitable accommodation and the application will then be pointed on the actual accommodation occupied by the applicant and their

household.

This category of points does not apply where an applicant is found to be homeless and in priority need and has been accepted for rehousing under Part VII of the Housing Act 1996.

#### 4.1.13 Children / Pregnancy

5 POINTS will be awarded for the first confirmed pregnancy and 10 POINTS if the applicant has on their application a dependent child or children who live with them permanently. A dependent child is a person whose primary residence is in the applicant's household and who is aged 18 or under. An application can only have a maximum of 10 points.

#### 4.1.14 Length of time on the Housing Register

2 POINTS are awarded for each year on the Housing Register up to a maximum of 10 POINTS.

#### 4.1.15 Social or welfare factors

50 POINTS MAXIMUM in steps of 10, 15, 25, 35 and 50 POINTS can be awarded where applicants need to move on welfare grounds or if they need to move to a particular locality within the district to avoid hardship to themselves or others. Points can be awarded to applicants who demonstrate that they give or receive ongoing significant support and that this support cannot be made available through a reliance on public transport or the applicant's or carer's own transport. Examples of when the award of points will be considered are as follows:

##### **1) Need to move on hardship grounds – support or employment.**

- a) Applicants who need to move to give or receive care that is substantial and ongoing, proof will be required
- b) Applicants who need to access social services facilities and are unable to travel within the district to receive it
- c) Applicants who want to take up an offer of continue employment, education or training opportunity that is not available elsewhere and who does not live within a reasonable commuting distance.

##### **2) Moving on from Care**

Applicants are awarded points in accordance with protocols agreed between the Council and Herts County Council. To qualify for an award of points applicants must:

- be a former relevant Child' and be referred by Children's Services
- be ready to move to independent settled housing
- possess the life skills necessary to manage a tenancy
- be in need of either long or medium term tenancy support and that package has been assessed and is in place.

##### **3) Move on from Supported Housing projects**

Applicants will be awarded points for certain projects in line with protocols agreed between the Council and the supported accommodation provider. To qualify for an award of points:

- An applicant must be ready to move to independent settled accommodation

- The applicant should be in need of medium to long-term support
- The applicant's vulnerability should be such that accommodation in the private sector would due to its potential short-term have a detrimental effect on their vulnerability.

#### **4) Urgent need to move**

Examples of other situations where it is considered that there is an urgent need to move and an award of points will be considered include :

- Where a registered provider (housing association) social landlord has recommended a management transfer for an existing tenant. Points will be awarded to the application depending on the degree of urgency, as assessed by the registered provider.
- Witness protection
- Harassment and domestic violence.
- Where an applicant has been identified as needing to move because of the impact on their household from Welfare Reform. This could be a need to move to smaller RP accommodation. A joint assessment would be carried out by the Housing Needs Manager and RP as to whether the impact of the reforms have put the applicant's household into significant hardship such that an offer of alternative accommodation would mitigate the impact.
- Applicants accepted by the Council as statutorily homeless and placed in a private sector leased property where the term is coming to an end.

The level of points awarded will be decided by the Housing Needs Manager and will be reviewed every 6 months.

## **5.0 How Properties are Allocated**

From March 2008 the Council has chosen to allocate the vacant homes offered to it through a Choice Based Lettings (CBL) system. Choice Based Lettings is a way of allocating housing through choice, giving eligible applicants on the Housing Register greater say over where they live.

The scheme enables Housing Register applicants to express an interest in available properties, which are advertised via a 'bidding' process. The successful bidder is the one with the highest priority number of points and taking into account the best use of the properties to meet housing need in each bidding cycle. If two applicants have the same number of points then date of registration will also be considered.

The Council has a contract with an agency that administers the Choice Based Lettings Scheme on its behalf. The agency manages a dedicated website that explains how the CBL process works and advertises the properties that are currently available to bid for. The website can be translated into a wide range of different languages. There is also a DVD that can be down loaded for applicants that have sight difficulties and a pictorial explanation of the scheme for applicants with learning difficulties.

## **5.1 Finding a Home**

### **5.1.1 Advertising**

The Council will advertise vacant properties owned or managed by its partner Registered Providers (RPs) who request a nomination of an applicant from the Council's Housing Register. The advert will be clearly marked with the name of the landlord and any additional conditions, relevant to that RP.

Properties will be advertised weekly:

- On a dedicated website [www.homeoption.org](http://www.homeoption.org) . There will be a link from the Council's website at [www.eastherts.gov.uk](http://www.eastherts.gov.uk) to the correct page for the East Herts' properties being advertised.
- At the Council and partner RP offices, including the homeless hostel
- In a free Property List sent to statutory and voluntary agencies who request it and also libraries in East Herts

The adverts will provide details of the properties available including location, size and type, weekly rent, heating, any adaptations, landlord's name etc. If there are any legal requirements such as properties in rural locations for people with a strong local connection to that community this will be clearly stated. The advert will also indicate the type of applicant eligible to bid for the home, for example age, disability and, for some RPs, income levels. Applicants must also be eligible for the size and/or type of property they are bidding for. This information will be in the acceptance letter sent by the Housing Options Team confirming an applicant's eligibility for the Housing Register.

Some of the properties advertised will indicate priority criteria for some categories of applicants. This is so that the property being advertised can be allocated to maximise its benefit. Priorities might include:

- Priority to applicants requiring 2 double bedrooms – to maximise the best use of the accommodation where a property has two large bedrooms
- Priority to applicants with an assessed mobility need – where a property has an adaptation that could be re-used
- Priority to applicants with a local connection to a particular settlement – to promote community benefits.

This does not mean that applicants that do not meet the priority criteria cannot place one of their three bids on the property. However they should be aware that when the Housing Options Team compiles a short list of applicants to nominate to the property to an RP an applicants who meets the criteria but has fewer points may be nominated before an applicant that does not meet the priority criteria but has more points.

However the property must still be allocated to an applicant that meets one of the reasonable preference categories of housing need.

### **5.1.2 Applying for a property**

Provided an applicant meets the eligibility criteria for the property advertised they can register an interest in a property within the deadline stated. Applicants can bid for a maximum of 3 properties in any one advertising cycle. Homes particularly designed for, or accessible to, people with disabilities will be advertised as such to help applicants with those needs identify them.

Applicants can register an interest in a property, with the Council's CBL provider, via several methods:

- Interative telephone (24 hours) telephone 08707 270460 or by text telephone 07781 472726
- On the dedicated website [www.homeoption.org](http://www.homeoption.org) . There will be a link from the Council's website at [www.eastherts.gov.uk](http://www.eastherts.gov.uk) to the correct page on the Home Option website for the East Herts properties being advertised.
- At the Council's offices in Hertford and Bishop's Stortford using the available online facilities
- Using an advocate that an applicant has given authorisation to such as a family member or a support worker

Applicants must have their registration number, date of birth of the lead applicant and the property reference to make a bid.

#### 5.1.3 How an offer is made

Once the advert deadline has passed the Housing Options Team will have access to a report listing all the advertised properties and all the applicants that applied for each of them. The Housing Options Team will short-list three applications based on qualification for the type of property, the applicant who has the highest points, the earliest confirmed application date, any priority criteria included in the advert and taking into account the best use of the properties to meet housing need in each bidding cycle. The council has published, alongside the Housing Register and Allocations Policy, procedures for the prioritisation of applicants during the short listing process to make the best use of the housing stock available to the council.

The first three applicants for each advertised property will be written to by the Housing Options Team to inform them of their position i.e. first, second or third for one property. The name of the three applicants will then be forwarded to the RP or landlord that owns the property advertised. There may be circumstances where an applicant will not be nominated as they do not or no longer qualify, for instance if they have outstanding rent arrears with a landlord or RP.

Arrangements will be made by the RP for the top applicant to view the property. There may be circumstances where an applicant will not be invited to view a property as they do not qualify, for instance if they have outstanding rent arrears with a landlord or RP. At the viewing the applicant will be given further details about the property, the type of tenancy to be offered and date the property is expected to be available. The first placed applicant will generally have one day to consider whether to accept the tenancy. If they refuse the verbal offer then the RP will contact the second placed applicant and make arrangements for them to view the property.

Some people who have been identified as vulnerable may be given longer time to consider the offer of the tenancy. Examples of this may include people who are in hospital or in respite care. The Housing Options Team and the RPs will consider each request for extra time on an individual basis.

#### 5.1.4 Refusal of an offer

Generally there is no penalty or deferral from the Housing Register for an applicant who

refuses a property for which they have successfully bid, unless the applicant is homeless (further details are in section 5.1.5). However, if an applicant refuses three offers we may contact them to discuss this and to check they fully understand the Choice Based Lettings system and discuss their reasons for refusal. In exceptional circumstances, where there have been multiple refusals, the Housing Needs Manager may consider whether the application should be made 'non-active' for a period of time.

#### 5.1.5 Feedback

At each advertising cycle feedback will be given in the Property List, on the results of the previous advertisements. The feedback will show:

- Property type
- Location
- Number of applicants who applied for each property
- The points level of the successful applicant
- Registration date of the top bidder

Feedback is considered important as it will inform applicants where properties are more likely to come available and where their best chances are of making a future successful bid.

#### 5.1.6 Homeless households

All homeless applicants accepted by the Council under the Housing Act 1996 or Homelessness Reduction Act 2017 for a relief or main housing duty will be able to take part in the scheme and bid for up to three suitable properties in each bidding cycle. All applicants owed a relief duty or main housing duty, other than those placed in one of the Council's private sector leased properties, will be expected to bid for all suitable properties. This will be monitored by a member of the Housing Options Team. If no bids are registered this will be discussed with the applicant by a member of the Housing Options Team to ensure that the applicant is aware of the requirement to bid and understands and has access to the bidding process.

Homeless applicants that following the end of the relief duty are accepted for a main housing duty, under the Housing Act 1996, will be awarded additional points to their application, in stages of 10 points, from the date the housing duty is accepted, up to a maximum of 20 points, if the applicant is in accommodation arranged by East Herts Council. In addition the Council will have the right to make an expression of interest on behalf of that applicant for the next suitable property in the first bidding cycle following the main housing duty being accepted.

When an expression of interest is successful, whether made by the applicant or the Council on their behalf, the applicant will receive only one suitable offer of that successful property as fulfilment of the Council's relief duty under the Homelessness Reduction Act 2017 or the homeless duty under Part VII of the Housing Act 1996, (also known as a Final Offer), and no further bids will be accepted from that applicant.

If a homeless applicant refuses a property for which a successful bid has been placed, or does not reply to the offer, the Council's duty to find secure accommodation may be ended. The Housing Options Team will advise the applicant of their right, under the

Homelessness Legislation as amended by the Homelessness Reduction Act, to a review of the suitability of the accommodation offered. They will also advise the applicant to accept and move into the accommodation whilst the review is being undertaken. If the applicant refuses to move into the property it will be offered to the next highest ranked applicant. The property will not be kept available for the applicant whilst the suitability review is ongoing. Where an applicant requests a suitability review and does not move into the property and the property is found on review to have been suitable for their household the applicant will lose their right to temporary accommodation and the main housing duty to them will come to an end. The applicant will then have to complete a new housing register application form reflecting their current status.

If on review the property is found to be unsuitable then the applicant will be able to bid for a more suitable property under the CBL scheme.

Applicants accepted by the Council under the relief or main housing duty who move into one of the Council's private sector leased properties will not be expected to bid for a property for at least one year from the start of the tenancy. At the end of one year, or earlier if it is agreed that the accommodation is no longer appropriate, or if the lease is coming to an end, the applicant will be interviewed to discuss their housing options. If the applicant wishes to start bidding under the CBL scheme the points will be increased to indicate that their accommodation is coming to an end. Once the applicant's points level has been increased they will be expected to start making bids and the bidding timetable will be the same as for all homeless applicants under the CBL scheme.

#### 5.1.6 Keyworkers

Some rented properties will only be available to key workers to bid for. This is because they were built using money made available by the government for this client group. They will be clearly marked when the properties are advertised.

Keyworkers are defined as people providing services to residents of East Herts.

#### 5.1.7 Applicants moving from Supported Accommodation

Applicants living in supported accommodation, where the managers of that accommodation have agreed and advised the Housing Options Service that the tenant is ready to move to independent accommodation, can bid for up to three suitable properties. Where an applicant makes a successful bid but the accommodation managers have not agreed that the applicant is ready to move on the bid will not be considered in the short listing process.

#### 5.1.8 Management transfers

Existing RP tenants that require an urgent move should first contact their landlord. The applicant's housing association will decide if a management transfer is the most appropriate course of action. If it is agreed, the housing association will facilitate a housing register application if the applicant is not already on the register and advise the Housing Options Team of the degree of urgency attached to the case. The Housing Options Team will then award the application the agreed appropriate level of additional points

#### 5.1.9 Young people leaving care

The Housing Options Team will maintain a list of care leavers, as provided by the

County Council's Leaving Care Team. Young people leaving care will have their details passed to the Housing Options Team prior to their eighteenth birthday. The Leaving Care Team will provide sufficient up to date information such that when the young person is seventeen and a half, and they are considered able to sustain a tenancy and have been provided with a support package, they can be placed onto the Council's Housing Register to enable them to bid for suitable properties under CBL.

#### 5.1.10 Sheltered accommodation

Except in special circumstances, sheltered housing and linked accommodation is let to people over the age of 55. Registered Providers may set their own age criteria for their sheltered housing schemes.

When allocating sheltered housing the same general principles as for other property types are followed, apart from an assessment of the applicant's suitability and need for support must be completed before any tenancy is offered. If the applicant is considered unsuitable for sheltered accommodation, they will be advised and given advice on homes more suitable to their needs.

#### 5.1.11 Flexicare accommodation

To apply for flexicare housing applicants must still complete the Council's online Housing Register application form. These schemes have been commissioned with Social Care and RPs and the eligibility rules means that applicants are assessed both on their housing and support needs.

Applicants are jointly assessed by East Herts Council, the flexicare provider and Hertfordshire County Council and allocations are made based on the assessed needs of the applicant and the level of support the vacancy offers at the accommodation. The points system is not be used to allocate flexicare housing but information held on the Housing Register application maybe used during the assessment.

### **5.2 Types of Tenancy Offered**

Applicants are normally offered permanent housing. If the property is provided by a registered housing provider they will offer an assured or starter tenancy. Some local housing providers do offer a fixed term tenancy following a successful starter tenancy where their own policies allow for it.

Introductory tenancies and starter tenancies give reduced security of tenure in their first year. Tenants with an introductory or starter tenancy cannot mutually exchange their home or assign their tenancy but are eligible to transfer.

### **5.3 Support for Vulnerable Applicants**

The Council recognises that Choice Based Lettings will mean that applicants will have to be far more active looking for vacancies than the previous system whereby applicants were offered what was considered to be a suitable vacancy by the Housing Options Team. The Council needs to ensure that the benefits of CBL are accessible to all applicants on the Housing Register right through the process from access to a

bidding method to capacity to make decisions and strategies for bidding. We will try to do this via a variety of targeted methods. However we will continually update and address any concerns as they arise and tailor our approach where possible.

- Targeted mail outs of property information by post and email to geographically isolated people or people with mobility issues
- Send property information to agencies and advocates
- For applicants who may not be able to bid at all, Housing Options Team staff can bid for suitable properties on their behalf
- Advocacy bidding will be allowed to make use of an applicant's existing network of informal support from family, friends etc as well as formal agencies.

See section 5.1.4 for information about the consequences of refusing an offer.

## **5.4 Other Lettings Policies**

The Council has some arrangements with supported or voluntary or statutory agencies for vulnerable clients. These applicants are allocated through the CBL system.

### **5.4.1 Rehousing Protocols**

To help local agencies find more independent accommodation for their clients or residents the Council has agreed, each year, to provide them with a limited amount of accommodation. The current schemes are:

- East Herts YMCA
- Hertfordshire County Council for the rehousing of Care leavers
- Young person's accommodation – Rose Court.
- Multi-Agency Public Protection Agency Board (MAPPA)

These arrangements may be reviewed and updated and do not apply to people who have been accepted under the homeless legislation.

### **5.4.2 Local Lettings Policies**

The priority for particular properties can be varied to take account of local circumstances to achieve a better tenant mix and a more balanced or sustainable community. These are discussed with the RPs before they are brought in and are only implemented for an agreed period of time.

For new and existing developments there will need to be clear evidence of the need for a variation in the normal policy, and a time limit for review of not more than two years. The implications for equality and for the 'reasonable preference' criteria set out in the 1996 Housing Act must be considered.

Some housing developments, particularly in villages, can only be let to people with a local connection to that locality. This means that only applicants with a local connection to the area will be given preference for that property.

## **5.5 Properties not included in the Choice Based Letting Scheme**

### **5.5.1 Direct lets**

Most properties will be advertised through the Home Option scheme. However in certain circumstances East Herts Council, in association with a Registered Provider, may allocate some properties directly to applicants. Where an applicant is identified as requiring a direct let the case will be referred to a senior officer for approval. The list below gives some examples of where East Herts might do this. This list is not exhaustive:

- Where an applicant and their household require a very specific size, type or adapted property and the applicant has not been able to find suitable accommodation through the Home Option scheme.
- Where it has been identified with partner agencies that an applicant may pose a risk to the community and should not be able to use the CBL system. In these cases a direct offer of accommodation should be made by the Housing Options Team and RP in consultation with the advocacy agency working on behalf of the applicant.

## **6.0 Reviewing and Cancelling an Application**

### **6.1 Annual Review**

In order to keep the Housing Register up to date applicants are required to renew their application when requested to do so by the Council. Normally this will be annually. Applicants will be invited to re-register when logging onto the Home Option Web site at least one month before the renewal date. Subsequently a letter will also be sent if the application is not renewed.

If an applicant fails to renew their application within one month of the request the applicant's application will be deleted from the Housing Register.

### **6.2 Cancelling an Application**

The Council can cancel applications for the following reasons:

- If the applicant asks the council to cancel the application.
- If the applicant is re-housed as a result of being made an offer of an introductory/starter, secure or assured tenancy from a Registered Provider or another Local Authority.
- If the applicant has a sole application that is being replaced by a joint one, or vice versa
- If the applicant is no longer permitted by law to remain on the Housing Register
- If the applicant has not renewed their application and at least one reminder letter has been sent.
- If the applicant has not advised the council of a change of address and the

- council is unable to contact the applicant.
- If the applicant has **succeeded to** or been **assigned** a secure tenancy or an assured tenancy of a RP.
  - If the applicant has had a secure tenancy or an assured tenancy of a RP vested in their name.
  - If the applicant is a secure tenant and **mutually exchanges** to another property the Council will cancel the application unless advised otherwise.
  - If the applicant is a secure or assured RP tenant and has given up the property or been evicted.
  - If the applicant has made false or deliberately misleading statements in connection with the application
  - If the applicant has not provided documentary proof for the application within 28 days of completing the on-line form.

### **6.3 Reapplying after an Application has been Cancelled**

Applicants can reapply to join the Housing Register after their application has been cancelled but the new application will not usually be backdated and may not be awarded the same number of points as before.

## **7.0 Information on the Housing Register Policy**

The Council will:

- Publish a summary of its Housing Register and Allocations Policy and provide free copies on request to any member of the public
- Provide free copies of the Housing Register and Allocations Policy at the Council offices in Hertford
- Enable copies of the Housing Register and Allocations Policy to be downloaded on the internet from the council's website : [www.eastherts.gov.uk](http://www.eastherts.gov.uk)

### **7.1 Access to Information**

Upon written request applicants can:

- Receive a copy of the details entered on the housing register free of charge
- Receive copies of documents provided by them
- Have access to their file in accordance with the provisions of the Data Protection Act 1998
- Receive general information to enable them to assess :
  - How their application is likely to be treated
  - Whether accommodation appropriate to their needs is likely to be available and if so how long that might take

### **7.2 Equal Opportunities**

East Herts Council is firmly committed to providing and promoting equality for all its employees and the wider community. The Council believes in the need to eliminate

unlawful discrimination and to promote equality of opportunity in all that it does. The Council recognises the rich diversity of East Hertfordshire's population as strength and aims to treat all people with respect whilst recognising the value of each individual and the positive contribution they make to the diverse community and workforce.

### **7.3 Data Protection**

The information provided by an applicant will be put on a computer system registered under the current data protection law – the Data Protection Act 1984 or subsequent data protection legislation. The Act also gives rights to all individuals about whom information is recorded. These rights include the rights of access to the information and the right to challenge the accuracy of that information. Requests for access to data must be made in writing to the Housing Needs Manager. Information will be provided within 20 days of the application.

An application registered with East Herts Council and the details it contains will not be disclosed to any third party or member of the public without the applicant's consent. Consent is given, by the applicant on the initial Housing Register application form, for East Herts to make relevant enquiries with reference to their application to join the Housing Register.

### **7.4 Disclosure of Information**

Section 166(4) of the Housing Act (1996) as amended by the Homelessness Act (2002) does not allow the Council to tell any other members of the public if a person is on the register, or give any other information about them.

The Council may not confirm to a member of the public other than the applicant, that the applicant has registered an application for housing. Officers are unable to discuss the details of any application with another member of the public, even members of the applicant's family, without the applicant's written permission.

The Council will take reasonable steps to ensure that any member of the public is indeed the applicant before dealing with the enquiry. In certain circumstances, disclosure will become necessary e.g. to process an application, where applicants have particular needs for support without which they would not be able to maintain a tenancy or to prevent and detect fraud. For instance, information could be disclosed to housing officers, occupational health officers, doctors, Social Services, the Police, the Probation Service, other local authorities and registered social landlords on a need to know basis. By signing the application form, the applicant is agreeing that this may take place.

### **7.5 Administration**

East Herts Council has approved the Housing Register and Allocations Policy. Decisions under this Policy are delegated to appropriate officers in East Herts Council. This policy will be reviewed at least annually unless there is a material change to legislation or best practice that makes the document unsound or before as maybe determined by the Council in consultation with the partners.

Date of review	Sections reviewed	Signature
November 2014	4.1.13: clarified age for children points: A	Agreed S Drinkwater

	<i>dependent child is a person whose primary residence is in the applicant's household and who is aged 18 or under.</i>	C. Bennett
April 2015	Includes definition of household section 3 for clarification.	Agreed S Drinkwater.
April 2015	Reduce age for sheltered to 55 plus to keep in line with RP policies.	Agreed S Drinkwater C. Bennett
June 2015	5.1.3 Added a sentence about prioritising procedures during short listing and updated procedures..	Agreed S Drinkwater
March 2016	4.1.15 Social or Welfare Factors. Addition of homeless prevention bullet point for an award of points for Urgent Need to Move.  Administration update - Clarified data protection and information disclosure for applicants by adding section 7.4 and updating 7.3 and expanded section on Consent to define what is fraud.	Liz Watts and Cllr Buckmaster
January & March 2019	Policy updated to reflect the enactment of the Homelessness Reduction Act 2017 and GDPR	Jonathan Geall and Cllr Jan Goodeve
May 2019	1.2 and 5.1 : procedure change - fortnightly advertising replaced with weekly	Claire Bennett
September 2019	3.1 - clarification regarding age Careleavers can join the Housing Register in keeping with legislation and HCC Policy.	Claire Bennett
January 2020	Section 5.4.1 – amended to include an additional Housing Protocol with the Multi-Agency Public Protection Agency (MAPPA) . Agreed by delegated officer decision of the council's Constitution part 3c section 16.4.	Jonathan Geall

## **8.0 Help and Advice**

Any applicant who has questions about their application or the Choice Based Lettings Scheme can contact the Council's Housing Options Team for advice or guidance. The Council's offices in Hertford and Bishop's Stortford are open 9am to 5pm Monday to Friday. Appointments should be made for visits, except in an emergency.

East Herts Council, Wallfields, Pegs Lane, Hertford, Herts. SG13 8EQ. (Tel 01279

655261).

East Herts Council, The Causeway, Bishop's Stortford, Herts CM23 2EN (Tel. 01279 655261).

## **APPENDIX 1**

### **Applications from current and former members of the Armed and Reserve Forces.**

#### **1.1 Who does this protocol apply to?**

This protocol refers to applications for housing from:

- former members of the Armed Forces that have been honourably discharged and make an application within 5 years of discharge;
- serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service;
- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner 5 years from bereavement;
- serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

#### **1.2 Eligibility and qualification for the Housing Register**

All applicants assessed under this protocol for the award of additional preference points will still need to be assessed to determine their eligibility and qualification to be placed on the Housing Register see Section 3.0 of the main Housing Register and Allocations Policy.

#### **1.3 Residency Qualification**

As the Council has no residency qualification for its Housing Register all applications from the Armed Forces (current or former or bereaved spouses or Reserve forces) are able to be assessed for housing if they are eligible and qualify.

#### **1.4 Additional Preference**

If the applicant is from one of the four categories of persons defined at 1.1 and they fall into one of the five reasonable preference categories as defined below, then additional preference for rehousing should be given.

The Reasonable Preference categories as defined by the Housing Act 1996, as amended by Homelessness Act 2002 are as follows:

- a) People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002.)
- b) People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 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 section 192(3)
- c) People occupying unsanitary 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 a 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)

Additional points can be awarded to an application if the applicant meets 1.1 and 1.4 by the award of Additional Preference Points. These points can be awarded in steps of 10, 25 or 50 depending on the need to move and the severity of the injury.

### **1.5 Other factors to consider when awarding points**

On production of the Cessation to Occupy Notice served on the applicant by the Ministry of Defence to leave designated Forces Accommodation 25 points for Security of Accommodation can be awarded up to 6 months before the notice expires.

## **APPENDIX 2**

### **Documents to be provided**

The Housing Options Service will register an application once all the proof of identity and residency has been received. The documents that can be accepted are listed below.

#### **1. Identity**

Applicants will need to provide one form of photographic proof of the lead applicant's identity, any partner and any other person over 16 included on the application. This would normally be a passport or a photo driving licence. Applicants will also need to provide at least one other form of identification for every person on the application. The

documents that can be accepted include:

- Birth certificate
- Passport
- Driving Licence
- European Union Identity Card
- Immigration documentation
- Proof of Benefit

## **2. Address**

Applicants will need to provide proof of current address, proof for partner and anyone else over 16 included on the application. This could include any of the following:

- Rent book/card
- Tenancy agreement
- Recent bank or credit card statement (within last three months)
- Recent utility bill (also within last three months)
- If you are living with a parent or guardian, a letter from them confirming your residence, plus proof of their address

## **3. Pregnancy**

If the applicant or member of their household is pregnant, the Council will need a copy of the scan photo as evidence from the maternity services confirming the expected date of delivery.

## **4. Children under 18 included on an application**

The Council will need a copy of the Birth Certificate for each child and satisfactory proof that the child lives with the applicant. This would normally be proof of Child Benefit.

## **5. Employment**

The Council will accept a contract of employment as proof, so long as it has been issued recently. A copy of the most recent pay slip will also be required.

## **6. Income**

Copies of the applicants last three bank statements will need to be provided and proof of income for the applicant and if applicable the applicant's partner's income.

## **7. Supporting Checks**

The council carries out checks for rent arrears or other outstanding debts with any Council or Registered Providers. Each case is considered on its individual merits – taking account of specific needs, reasons for the debt, any repayment plan that is in place and whether this is being maintained.

The Housing Options Team also checks with the Register of Electors, employers and landlords, and conduct home visits.

## APPENDIX 3

### **Reviews of Decisions**

#### **1. 0 Housing Register**

An applicant has the right to request a review of certain decisions made under part 6 of the Housing Act 1996. These are:

- Decisions about the facts of the applicant's case which are likely to be, or have been, taken into account in considering whether to accept onto the housing register or to allocate housing accommodation to the applicant including the award of points
- Lack of any reasonable preference based on previous behaviour s167 (2C) Housing Act 1996
- Ineligibility for an allocation based on immigration status s160A (9).
- Removing an application from the register
- Assessment of points awarded
- Offers of housing

Decision letters issued in respect of housing applications will advise the applicant of their right to request a review and provide appropriate guidance on how to do this.

A request for a review of a decision can be made in writing to a member of the Housing Options Team. The request should be made within 21 days following the notification of the decision. Reviews will be considered within 28 days of the request being received and the applicant will receive a written response outlining the result of the review.

An applicant will only be entitled to one internal review. If an applicant is still unhappy following the review of a decision, they can make a complaint through the Council's complaints procedures.

Reviews will be undertaken by a designated officer who was not involved in the original decision, and who is senior to the original decision making officer.

#### **1.1 Complaints procedure**

If an applicant is dissatisfied with any aspect of the management of their application (other than when a review can be made) they can complain using the Council's formal complaints procedure. In the first instance applicants should write to the Manager Housing Services who will be responsible for investigating any complaints that are received.

#### **1.2 The Housing Ombudsman**

The Housing Ombudsman investigates complaints of injustice arising from maladministration by local housing authorities and other registered providers for example the type of tenancies offered by a landlord to an applicant.

If a complainant is not satisfied with the action the Council takes, he or she can send a written complaint to the Ombudsman. A complainant must give the organization an

opportunity to deal with a complaint first, using its complaints procedure.

The Housing Ombudsman can be contacted at:

81 Aldwych  
London WC2B 4HN  
Telephone: 0300 111 3000  
Fax: 020 7831 1942  
E-mail: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

### **1.3 The Local Government Ombudsman**

The Local Government Ombudsman considers complaints about local authorities for example complaints regarding:

- Housing allocations
- Homelessness under Housing Act 1996 Part 7
- General housing advice provided

The Local Government Ombudsman can be contacted at:

The Local Government Ombudsman  
PO Box 4771  
Coventry CV4 0EH  
Telephone: 0300 061 0614  
Fax: 024 7682 0001

## **2. Homeless reviews**

Homeless applicants have the right to request a review of certain decisions made by East Herts Council in respect of their homeless application. Within the context of the Council's Housing Register and Allocations Policy this includes the decision to bring to an end the Relief or main housing duty by making a suitable FINAL Offer of permanent accommodation via the Housing Register and Choice Based Lettings.

If an applicant wishes to request a review of the reasonableness of an offer or the suitability of the property, this must be made within 21 days of notification of a decision to make the offer. Late review requests can be considered under exceptional circumstances at the discretion of the council.

Applicants who request reviews of decisions about suitability of accommodation will be advised to accept and move into accommodation pending the outcome of their review request. If the review goes in their favour alternative accommodation will be provided as quickly as possible. However if the reasonableness and suitability of the offer is upheld the applicant will still have accommodation to live in whilst they consider their further options. The applicant has the right of appeal to the county court if he or she is dissatisfied with the decision on a review.

## APPENDIX 4

### Types of tenancy offered

There are several different types of tenancy.

#### Secure Tenancies

This is a permanent tenancy of a Council. Secure tenants cannot be evicted without a court order, and possession can only be granted on certain grounds. There are other rights associated with a secure tenancy including the Right to Buy and the Right to Mutually Exchange.

#### Assured Tenancies

Registered Social Landlords grant assured tenancies. They are similar to secure tenancies given by the Council. Applicants that are nominated to a Registered Provider property and have an assured tenancy cannot be evicted without a court order.

Assured tenants can mutually exchange (with Council tenants as well as Registered Provider tenants) and maybe able to buy their home under the Right to Acquire scheme.

#### Fixed term tenancies

These are a new type of tenancy introduced under the Localism Act 2012 available for Registered Providers to use from the date of inception of the Act that has a specified term of not less than 5 years or 2 years in exceptional circumstances. Fixed term tenancies can be used for Affordable Rent or Social Rent properties.

#### Sole and Joint Tenancies

Sole tenancies are offered to single applicants. Normally a joint tenancy is offered to co-habiting couples and other people living together (or wanting to live together) as a couple, unless immigration control applies. Sole and joint tenancies may be secure, non-secure or assured.

#### Starter Tenancies

A starter tenancy is an assured shorthold tenancy issued by a housing association. A starter tenancy normally lasts for one year. Tenants become an assured or fixed term tenant after 12 months, unless the landlord association has either:

- started action to evict
- extended the starter tenancy

During this starter period tenants have fewer rights and the tenancy can be ended more easily if the tenancy conditions are broken.

## APPENDIX 5

### Glossary

**Additional preference** - The phrase used in the Housing Act to allow local authorities to prioritise applicants with the greatest need in the reasonable preference categories.

**Affordable Rent** means rented housing let by a Registered Provider of social housing to households who are eligible for Social Rented housing at a rent of no more than 80% of the Local Market Rent, including service charges where applicable, and upon the approved Financial Terms at a fixed term tenancy for a period not less than that recommended by the social housing regulator currently the Tenant Services Authority (or its successor body) and with regard to any advice set out in the local Strategic Tenancy Policy adopted by the Council

**Advocate** - A responsible person who has been given approval to act, on behalf of an applicant e.g. support worker, family member.

**Applicant** - A person who applies to register on, including tenants of a local authority or a housing provider.

**Application date** - The date the application is assessed having received all relevant information from the applicant.

**Bedroom Entitlement** - The number of bedrooms that an applicant will be considered for.

**Bidding** - To be considered for an available home, applicants are required to make a bid, or express an interest in a property. No money is involved in making a bid or expressing an interest in a property.

**Bidding cycle** - The number of days in which an applicant has the opportunity to place a bid or 'express an interest' in a home once it is advertised.

**Choice Based Lettings** - A system which enables applicants for social rented housing the choice of where they would like to live form a listing of available properties based on their eligibility for those properties.

**Codes of Guidance** - Relevant government guidance provided to local authorities to use when drawing up allocations policies.

**Decant** - The need to move an existing tenant out of their accommodation to enable building works to be done on that property.

**District Connection** - A defined connection to a Local Authority area.

**Housing Need** - An applicant who needs to be rehoused because their current living arrangements are detrimental to their (or a member of their household) health and welfare.

**Local connection** - A defined connection to a settlement or area.

**Local lettings policies** - Policies that allow certain properties in certain areas to be let against specific criteria.

**Mutual Exchange** is a facility that enables a tenant to exchange their property and tenancy with another of their own Registered Provider's tenants or with a tenant of a different Registered Provider.

**Normally be resident** - Normally resident for the purposes of this policy means that an applicant is if they are normally living in the area (apart from temporary or occasional absences), and their residence there has been adopted voluntarily and for settled purposes as part of the regular order of their life for the time being.

**Offer** - An offer of accommodation that an applicant has bid for.

**Reasonable Preference** - The phrase used in the Housing Act to describe those types of housing need that should be given priority in a local authority's allocations policy.

**Registration date** - The date an application is received by a local authority.

**Registered Providers** is the term used for housing associations or other private sector developers, local councils etc who have registered to provide social housing with the Homes & Communities Agency.

**Rural Areas** - Settlements with a population of less than 3,000

**Short listing** - The process by which bids received on a property are prioritised so that the applicant with the highest housing need and then the oldest band start date is at the top of the list of bidders.

**Under Occupying** - A person underoccupies when they occupy accommodation that has more bedrooms than their maximum bedroom entitlement.