

# Lettings Policy

This document sets out how the Council, in partnership with Registered Providers with properties in the district, will allocate their properties through the “Home-Link scheme”

Lettings Policy July 2021  
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## **Chapter 1**

### **1.1 Introduction**

1.1.1 This is the Lettings Policy for Fenland District Council (FDC) operated by Clarion Housing Association (CHA) which is a member of the Home-Link choice based lettings scheme, which covers the Cambridgeshire and West Suffolk area. The partner organisations to the Home-Link scheme are:

- a) Cambridge City Council
- b) East Cambridgeshire District Council
- c) Fenland District Council
- d) Huntingdonshire District Council
- e) South Cambridgeshire District Council
- f) West Suffolk Council

1.1.2 The Home-Link scheme and this lettings policy were designed through collaboration between the partner organisations listed above, with the aim of having as much consistency in the letting of social housing as is possible in a very diverse area. The lettings policy aims to ensure that all people seeking social housing in Fenland can exercise choice in deciding where they wish to live and in the type of property they would prefer.

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

- a) How to apply for housing.
- b) Who will qualify to be accepted onto the housing register.
- c) How priority for housing applicants will be given.
- d) What the decision-making processes are.
- e) How homes will be let.

1.1.4 You may view this lettings policy, at the Council's website, or request a copy from any of the partner organisation's offices. (See Appendix 1 on p.34)

### **1.2 Objectives of the lettings policy**

- a) To meet the legal requirements for the allocation of social housing as set out in the Housing Act 1996 (as amended)
- b) To assist applicants in the highest assessed need
- c) To let properties in a fair and transparent way and provide a consistent lettings process
- d) To make best use of housing stock
- e) To ensure that applicants are not unlawfully discriminated against, whether directly or indirectly
- f) To support vulnerable applicants
- g) To provide increased choice and information to applicants
- h) To provide information and feedback on homes that are let through the Home-Link scheme
- i) To improve mobility across the Cambridgeshire and West Suffolk
- j) To promote social inclusion and help achieve sustainable communities

- k) To meet the legal requirements set out under the legislation and guidance referred to in Section 1.4

### **1.3 Statement on choice**

- 1.3.1 FDC 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 Fenland.
- 1.3.2 The Home-Link scheme enables applicants from Fenland to have access to a percentage of available homes from all the partner organisations across Cambridgeshire and West Suffolk.

### **1.4 Legal context**

- 1.4.1 All applicants for housing will be assessed to determine their eligibility 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).

This policy has also had regard to:

- a) Allocation of accommodation: guidance for local housing authorities in England, and
  - b) The Public Sector Equality Duty, and
  - c) Section 17 of the Crime and Disorder Act, and
  - d) The Council's Homelessness Strategy, and
  - e) The Council's Tenancy Strategy (containing details of the types of social rented tenancies that may be offered by housing association landlords).
  - f) Any future legislative obligations which partners share. If there are future changes, the partnership will review the legal context of this Policy.
- 1.4.2 The law states that there are five groups of applicants where reasonable preference must be considered:
    - a) People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996 (as amended))
    - 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)
  - 1.4.3 The lettings policy has been designed to ensure applicants who fall into the above reasonable preference categories will be awarded reasonable preference.

1.4.4 Every application received by FDC will be considered according to the facts unique to that application as FDC recognises that every applicant's situation is different. Applications will be considered on an individual basis and individual circumstances will be taken into account. However, all lettings will be made in accordance with this lettings policy. Where individual circumstances are not covered by the on-line application form, applicants should contact the partner to whom they are applying to discuss their application so that all relevant facts can be considered fully.

## **1.5 Equal opportunities and diversity**

1.5.1 The lettings policy will be responsive, accessible and sensitive to the needs of all by having regard to the protected characteristics in the Equality Act 2010.

FDC is committed to promoting equality of opportunity and will ensure that all applicants are treated fairly and without unlawful discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In addition, FDC is committed to the aims of the Public Sector Equality Duty (2011):

- a) Removing or minimising disadvantages suffered by people due to their protected characteristics
- b) Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- c) Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

FDC also has due regard to the commitments made in Article 14 of the Human Rights Act (1998) as it relates to the service provided.

## **1.6 The welfare of children**

1.6.1 FDC will ensure that decisions made under this lettings policy have regard to the need to safeguard and promote the welfare of children taking into account Section 11 of The Children's Act and the Public Sector Equality Duty.

1.6.2 FDC will also have regard to the Children and Social Work Act 2017 as relates to the local arrangements for safeguarding and promoting welfare of children.

## **1.7 The welfare of adults**

1.7.1 FDC will also have regard to the Care Act 2014, which includes provisions for adults at risk of abuse or neglect.

## **1.8 Monitoring and reviewing the lettings policy**



1.8.1 FDC will monitor the operation of the lettings policy by regularly reviewing the policy to ensure that it meets its stated objectives and complies with legislative changes.

## Chapter 2

### 2.1 How to apply for housing

- 2.1.1 The on-line form can be completed at [www.home-link.org.uk](http://www.home-link.org.uk). A paper form, if required, can be requested from FDC (Fenland.gov.uk) or via Clarion Housing Association [March-Home-link@myclarionhousing.com](mailto:March-Home-link@myclarionhousing.com) they can also offer assistance to complete the form if needed.
- 2.1.2 An applicant may include anyone on their application who may reasonably be expected to live with them as part of their household. The Council reserves the right to decide who can reasonably be expected to reside in an applicant's household.
- 2.1.3 Where two applicants wish to have a shared application they will be known as joint applicants. Although adults who are not partners and need more than one bedroom may jointly apply to the register, due to the level of demand for family sized accommodation from family households (by "family" we mean households that have children (under 18) who are dependent on the adult(s)) they will not normally be prioritised for an offer of this size of accommodation ahead of families.
- 2.1.4 On receipt of the application CHA will assess this and will request additional information and supporting evidence so that the applicant's eligibility and housing need can be confirmed. CHA will verify the information provided which may include inviting the applicant for an interview or visiting them at home.
- 2.1.5 Applications will only be accepted onto the register where:
- a) The applicant is eligible for an allocation of social housing (see Chapter 3); and
  - b) The applicant qualifies for an allocation of social housing. (See sections 3.2 to 3.4).
- 2.1.6 After assessment CHA will write to applicants to inform them whether they have been accepted onto the housing register, or give reasons if they have not. Where accepted they will be informed of:
- a) Their unique reference number, which allows them to bid for homes through the Home-Link Scheme
  - b) The housing needs band in which the application has been placed
  - c) The date that the application was placed in the band (the "date in band")
  - d) The size of property for which the applicant is likely to be able to bid

If they have not been accepted onto the housing register the Council will set out the reasons for this decision and will provide information about the review process (see Chapter 6).

### 2.2 Date of registration

- 2.2.1 The registration date of an application will be the date the on-line housing application form is received electronically, or if a paper application is

submitted, the date it is received at the office of FDC or CHA, or any of the partner organisations.

## 2.3 Date in band

2.3.1 The principle of the policy is that normally no applicant should overtake existing applicants in a band. Therefore, applicants will be placed within a band in date order.

- a) **New applications:** the date in band will be the same as the applicant's date of registration.
- b) **Change of circumstances which results in a higher band assessment:** the date in band will be the date the applicant provides evidence of the change of circumstances leading to the award of a higher priority band.

2.3.2 When applicants move down bands due to a change in their circumstances the following applies:

- a) **Returning to a band in which they were previously placed:** the date in band reverts to the date that applied when the applicant was previously in that band.
- b) **Moving into a lower band in which they have not previously been placed:** the date in band will be the date that the application was first placed into a higher band. In most circumstances, this is likely to be their date of registration.

## 2.4 Armed Forces personnel – date in band

2.4.1 Additional priority will be awarded to the following categories of people:

- a) serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- b) former members of the regular forces
- c) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
- d) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.

2.4.2 Additional priority will be awarded to the above categories of people by awarding their application the appropriate priority band, as set out in this lettings policy, and backdating their date in band by the total cumulative period of their length of military service (including where they have made a homeless application). This will have the effect of raising their priority above applicants in similar circumstances who have not undertaken military service.

This additional priority is awarded to meet the expectations set out in the Armed Forces Covenant and national guidance.

- 2.4.3 Current members of the Armed Forces may also request that this additional priority be applied to their housing application six months prior to the date when they are due to leave military service. Appropriate evidence of the end to military service will be required.

## **2.5 Multiple applications**

2.5.1 An applicant can have only one active application on the housing register at any time where they are either the applicant or joint applicant. They may however be considered on other applications where they are eligible to be considered as part of another applicant's household, for example where living with a parent and included as part of their application. In exceptional cases, such as those involving violence or abuse, the council can decide to permit a second application.

## **2.6 Change of circumstances**

2.6.1 Where an applicant registered with FDC has a change in their circumstances they must promptly inform CHA. Applicants can complete a change of circumstances on-line at [www.home-link.org.uk](http://www.home-link.org.uk) or obtain a change of circumstances form from any partner organisation, but this must then be sent to the partner organisation who is managing their application. Change of circumstances received by CHA will be assessed based on the new circumstances. Examples of change of circumstances where a form must be completed are detailed below, although this list is not exhaustive:

- a) Change of address
- b) People joining or leaving the household
- c) Relationship breakdown
- d) Change to the medical circumstances of anyone included on the application

For the examples detailed below, applicants may not need to complete a change of circumstances form, but must contact the Council, who will advise what documentation/evidence is required:

- a) Pregnancy/birth of a child
- b) Death of a household member
- c) Death of a joint applicant
- d) Change of income and/or capital

## **2.7 Applicant's consent and declaration**

2.7.1 When an applicant applies for housing, they will be required to confirm their understanding of, or sign a declaration to confirm that:

- a) The information they have provided is true, accurate and complete.
- b) They will promptly inform CHA of any change in circumstances.
- c) They understand that information will be shared with all the partner organisations.
- d) They consent to FDC and CHA making enquiries of any relevant persons to confirm the information on the application form is correct.
- e) They consent to the release of any relevant information either to FDC and CHA held by third parties, or by FDC and CHA third parties.

- f) The information provided may be used to help in the detection and prevention of fraud.

2.7.2 FDC may take legal action against applicants who withhold or provide false information regarding their housing application. Where an applicant has been let a property as a result of providing false information, their landlord may take court action to obtain possession of the property.

## **2.8 Data protection**

2.8.1 FDC and CHA policy on General Data Protection Regulations is available on request and can also be found online at the Council's website <https://fenland.gov.uk/dataprotection>

## **2.9 Application review**

2.9.1 Every year on the anniversary of an application being received, we will write to the applicant to see if they still wish to be on the housing register and ask them to update their application if there have been any changes to their circumstances. If there is no response within the required time limit, (28 days from the letter/email being sent) the application will be cancelled. We will write to the applicant to notify them of this. If an applicant contacts CHA within 28 days of their application being cancelled and indicates that they still want to be considered for housing, the application will be reinstated from their last applicable date in band (see s.2.3 above).

## **2.10 Cancelling an application**

2.10.1 An application will be cancelled from the housing register in the following circumstances:

- a) At the applicant's request.
- b) If the applicant becomes ineligible for housing (see s.3.2).
- c) If the applicant no longer falls within a qualifying class of applicant (see s.3.3).
- d) When the applicant has been housed through the lettings policy.
- e) When a tenant completes a mutual exchange.
- f) Where an applicant does not maintain their application through the review process, or where they move and do not provide a contact address.
- g) Where the applicant has died.

2.10.2 When an application is cancelled, we will write to the applicant or their representative to notify them. Where an applicant has been highlighted as vulnerable, CHA will contact the applicant to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision, (see Chapter 6).

2.10.3 Where an applicant wishes to re-join the housing register at a later date their new date of registration will be the date they re-apply.

## **Chapter 3**

### **3.1 Who can be accepted onto the housing register?**

- 3.1.1 FDC & CHA can allocate housing to anyone who qualifies for an allocation if they are not ineligible under the Housing Act 1996 section 160ZA.
- 3.1.2 FDC & CHA cannot allocate housing to two or more persons jointly if one of them is ineligible.

### **3.2 Eligible applicants**

- 3.2.1 FDC is required, by law, to decide that certain applicants are ineligible for an allocation of social housing. Eligibility can change with a change of immigration status and therefore the Council will keep an applicant's eligibility for housing under review. Applicants are responsible for informing the Council of any change in their immigration status.
- 3.2.2 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. Applicants found to be ineligible have a right to ask for a review of the decision (see Chapter 6).
- 3.2.3 Where an eligible applicant includes people who are ineligible as part of his or her household the council can, in deciding who forms part of the applicant's household for the purposes of housing allocation:
  - a) Have regard to the fact that members of a person's household would not be eligible for accommodation in their own right.
  - b) Have regard to the fact that an ineligible person is not permitted to have recourse to public funds.
  - c) Conclude that an ineligible person does not form part of the household when assessing priority.

### **3.3 Qualifying categories of applicants**

- 3.3.1 Cambridgeshire and West Suffolk are areas where the demand for social housing far exceeds the supply. For this reason only those applicants who meet the local connection criteria will qualify to join the housing register (see s.3.4).
- 3.3.2 Applicants will not qualify to join the housing register if they are considered to be unsuitable to be a tenant because of unacceptable behaviour (see s.3.5).

### **3.4 Connection to the local area criteria**

- 3.4.1 An applicant will be considered to have a connection with Fenland area and accepted onto the housing register if they meet one of the following criteria:

- a. The applicant is in full time or part time employment in the Council district for sixteen hours or more per week. See Section 3.4.2 below for further details; or
- b. The applicant has lived in the local authority area for at least 6 of the last 12 months, or 3 of the last 5 years; or
- c. The applicant has family members who have been resident in the local authority area for a period of 5 years or longer and are currently resident in the local authority area. Family members are defined as parents, adult sons and adult daughters or brothers or sisters. Other family associations will be considered on a case by case basis; or
- d. The applicant is owed a main housing duty under the s.193 (2) or 193C (4) of the relevant homelessness legislation by FDC; or
- e. The applicant is serving in the regular forces or who has served in the regular forces for an allocation of housing under Part 6 of the 1996 Act; or
- f. The applicant will cease to be entitled to reside in accommodation provided by the Ministry of Defence following:
  - i. the death of that person's spouse or civil partner where the spouse or civil partner has served in the regular forces; and their death was attributable (wholly or partly) to that service; or
  - ii. divorce or separation from a spouse or civil partner where the spouse or civil partner is a member of the regular forces; or
- g. The applicant is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service; or
- h. The applicant is a "relevant person" as defined by Regulation 4 of the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015; or
- i. The applicant or a member of the applicant's household needs to move away from another area to escape violence or harm; or
- j. The applicant is a care leaver from the County who has been placed (by Children's Services) outside the Fenland area; or
- k. There are special circumstances that FDC considers give rise to a local connection.

3.4.2 Applicants will be considered to have employment in Fenland and therefore may meet the local connection criteria if:

- a) They are in paid full or part time permanent employment for 16 hours or more per week and their actual working location is within the district; or
- b) They are working within the district on a temporary or zero-hour employment contract that has been in place for at least 6 months and can demonstrate they have worked at least 16 hours per week since starting the employment contract; or

- c) Self-employed applicants are required to demonstrate that their permanent base of operations is within the District, even if their work requires them from time to time to work outside of the district; or
- d) The employment must be the actual place of work in the district and not employment based on a head office or regional office situated in the district but from which they do not work.

FDC reserves the right to waive the 16 hour requirement if necessary to avoid discrimination.

3.4.3 Applicants who are in one of the reasonable preference groups, but with none of the connection to the local area criteria above, may be eligible to join the register. Anyone who believes this applies to them should contact CHA directly to discuss their circumstances.

### **3.5 Applicants with a history of unacceptable behaviour**

3.5.1 Where an applicant or a member of their household has a history of behaviour which in the opinion CHA is unacceptable and makes the applicant unsuitable to be a tenant CHA may decide that the applicant does not qualify to be accepted onto the housing register. Unacceptable behaviour can include (but is not limited to) domestic or other abuse, harassment, anti-social behaviour, drug dealing or other criminal activity, failing to maintain or repair their home or associated garden or garage, noise nuisance or tenancy related debt.

3.5.2 When considering whether an applicant with a history of unacceptable behaviour qualifies to be accepted on the housing register, CHA will consider the nature of the behaviour, when it took place, the length of time that has elapsed since and whether there has been any change in circumstances which would show that the applicant or member of the applicant's household had amended their behaviour so that they are considered suitable to become a tenant. In addition, any extenuating circumstances, such as coercion or harassment, will be taken into account as well as any possible risks to others arising from a register exclusion.

3.5.3 If CHA decides that an applicant does not qualify to be accepted on the housing register because the applicant or a member of their household has a history of unacceptable behaviour that makes them unsuitable to be a tenant, the applicant will be informed in writing of this decision and the reasons for the decision. They will also be informed how they can become a qualifying person, for example, by agreeing an arrangement to make payments towards rent arrears and adhering to this, or by the applicant showing that the circumstances or behaviour that made them unsuitable to be a tenant, has changed.

3.5.4 If an applicant is accepted onto the register but a change in their behaviour means that they are no longer a qualifying person, their housing application will be removed and the applicant will be notified in writing of this decision and the reasons for the decision.

3.5.5 Applicants considered as not qualifying due to unacceptable behaviour have a right to ask for a review of the decision (see Chapter 6).



### **3.6 16 and 17 year olds**

- 3.6.1 Anyone aged 16 or over can apply for housing. However, until the applicant reaches 18 years old any offer of accommodation will be subject to appropriate guarantor or trustee arrangements being in place. The guarantor could be a family member, adult friend, or a professional body. Applicants under 18 years old will be referred to a housing officer for advice regarding their housing rights and options.

## **Chapter 4**

### **Assessment of housing need**

#### **4.1 Legal background**

- 4.1.1 All eligible and qualifying applicants will be placed in a housing needs band following an assessment of their household's needs. This is to ensure that the Council meet their legal obligations as set out in the Housing Act 1996 (as amended).

#### **4.2 Advice and information**

- 4.2.1 FDC & CHA will ensure that advice and information on how to apply for housing in Fenland is available free of charge to everyone. If applicants are likely to have difficulty in making an application without assistance, then the council will make any necessary assistance they require available.

#### **4.3 Assessment of housing need**

- 4.3.1 Assessments of housing needs are based on an applicant's current housing circumstances. Assessments will be completed by housing officers of FDC & CHA. Medical assessments will be made by a medical professional or appropriately trained officer.

Where an adverse decision about an application is made by any of the Home-Link partners, any duplicate applications to another partner's housing register will have due regard to that original decision. Because the Home-Link partners use the same assessment criteria for housing applications, original decisions will only be overturned in exceptional circumstances following an assessment. The original partner applied to will be contacted to discuss the decision and the decision will generally apply to any new application when sufficient information has been received.

Any new or additional information not available for the original decision will be considered by the Home-Link partner to assess any impact on the decision.

#### **4.4 Local lettings criteria**

- 4.4.1 To ensure local housing needs are met, 90% of properties advertised through the Home-Link scheme will be labelled as available to applicants with a connection to the Council. 10% of advertised properties will be open to bidding from applicants with a connection to any of the Home-Link partner organisations. 25% of new growth homes will be made available for cross boundary moves. The relevant local area connection requirement will be clearly labelled on the property advert.
- 4.4.2 Where a property has local area connection criteria attached to it through a local lettings plan or s.106 agreement, then these properties will be let in line with the criteria within the lettings plan or the s.106 agreement. This may differ from the connection to the local area criteria contained within this lettings policy and will be mentioned in the property advert.

## **4.5 Housing needs bands**

- 4.5.1 Eligible and qualifying applicants will be placed in one of the following four bands in date order. Applicants placed in Band A will have the highest assessed need, Band D the lowest. When an applicant is placed in a housing needs band the same level of priority will apply with all partner organisations in the Home-Link scheme.
- 4.5.2 Any applicants accepted on to the housing register under section 3.4.3 of this policy (in a reasonable preference group but not meeting the connection to the local area criteria), will be placed in band C. However, they will only be considered for a property after any applicants in that band who have a proven connection with the local area.

## **4.6 Band A: Urgent need**

Applicants with the following circumstances will be placed into Band A:

### **a) Urgent transfer**

Where an existing council or housing association tenant needs to move urgently because of circumstances that could include:

- a) Major repairs are required on the property in which they live and which cannot be undertaken with the tenant living in the property.
- b) The property is being demolished.
- c) Urgent social need to move.

### **b) Current supported housing resident**

Applicants leaving Social Services care or other supported accommodation, and are ready to move to a permanent home of their own. This will be subject to the Council, Social Services (where applicable) and the landlord of the supported accommodation agreeing that the applicant is ready to move to their own home. If the applicant needs an on-going support package to allow them to live independently, confirmation that this will be put in place will also be required from the proposed support provider. The date that this priority is awarded (date in Band A) will be the date that the resident is ready to move to independent living, as recommended by their support worker.

The decision to apply this priority will be made by the relevant decision-making process in the district where the supported housing is based.

### **c) Urgent health and safety risk**

The condition of the applicant's current accommodation has been assessed by FDC, CHA or a partner organisation as posing an urgent health and safety risk. This will apply where the assessment has classified the accommodation as unsafe, or where there is a risk of imminent harm as identified in the assessment, which cannot be remedied in a reasonable time and where the health and safety risk has not been caused intentionally by the applicant or a member of the applicant's household who will continue to live with them.

#### **d) Urgent medical need**

An urgent medical priority will be awarded where the assessment concludes that the applicant or household member has a severe medical condition or disability that is made substantially worse by their current housing. This would include people whose life is at risk due to their current housing conditions or who are completely housebound because of the type of accommodation in which they live..

Priority will be given depending on how unsuitable the current accommodation is in relation to their medical or disability needs. The assessment is not purely based on the applicant's health conditions.

The following are only examples of circumstances that **may** qualify (but not in all circumstances) for an urgent medical need award:

- Those who, on leaving hospital, either have nowhere to live or have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptations
- Those who have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptations because of cost effectiveness, structural difficulties or the property cannot be adapted within a reasonable amount of time. Applicants will be individually assessed
- Where an applicant's condition is life threatening and the existing accommodation is a major contributory factor
- Where an applicant's health is so severely affected by the accommodation that it is likely to become life threatening
- Disabled persons (as defined under the Equality Act 2010) who have restricted or limited mobility and are limited by their accommodation and unable to carry out day to day activities or have difficulties accessing facilities e.g. bathroom, kitchen, toilet, inside and outside of their accommodation safely and the current accommodation cannot be reasonably adapted

#### **e) Lacking two or more bedrooms**

The household is assessed as lacking two or more bedrooms (see s.5.4).

#### **f) Under-occupancy by two or more bedrooms or release of adapted property**

Where an existing council or housing association tenant:

- a) Is assessed as having two or more bedrooms that are not required by the household (see s.5.4).
- b) Where a property has been adapted and the adaptations are no longer required. For example, if the person requiring the adaptations has moved or died.

#### **g) Homeless households (Main homelessness duty owed under s.193 (2) of the Housing Act 1996 as amended)**

Where the Council has accepted a duty under s193 (2) of the Housing Act 1996 (as amended) and this duty has not been brought to an end. The date in band will be the date that the applicant approached the

Council for housing assistance and a Prevention or Relief Duty was triggered.

#### **h) Urgent multiple needs**

This priority will be applied where an applicant is assessed as having two or more Band B needs. This may include an application where two household members have the same assessed need e.g. two high medical needs.

For multiple needs in Band A please see 'emergency housing status' (see Chapter 5)

### **4.7 Band B: High need**

Applicants with the following circumstances will be placed into Band B:

#### **a) High health and safety risk**

The condition of the applicant's current accommodation has been assessed by FDC, CHA or a partner organisation as posing a high health and safety risk to them or members of their household. This will apply where the assessment has identified that the applicant is living in a property, the condition of which places them or members of their household at a high risk of harm as identified in the assessment, which cannot be remedied in a reasonable time and where the health and safety risk has not been caused intentionally by the applicant or a member of the applicant's household who will continue to live with them.

#### **b) High medical need**

A high medical priority will be awarded where the assessment concludes that the applicant or household member has a serious medical condition or disability that is made substantially worse by their current housing, but who are not housebound or whose life is not at risk due to their current housing. However, their housing conditions directly contribute to causing serious ill health and the condition of the property cannot be resolved within a reasonable period of time.

Documentary evidence will be required. Circumstances will be assessed and may need to be referred to a relevant health care professional. The following are only examples of cases that **may** qualify (but not in all circumstances) for a high medical need award:

- The applicant's accommodation is directly contributing to the deterioration of the applicant's health, such as severe chest condition, requiring intermittent hospitalisation because of chronic dampness in the accommodation
- Children with severe conditions such as autism, or cerebral palsy, where their long-term needs cannot be met without suitable accommodation
- A member of the household seeking accommodation is disabled and re-housing will enable that person to overcome physical barriers created by current accommodation e.g. steps and stairs
- A person with a severe disability requiring substantial adaptations to a property which is not, and cannot be provided for in their current accommodation
- A person with a terminal illness or long-term debilitating condition whose current accommodation is not having a significant impact on their condition but

where their quality of life would be significantly improved by moving to alternative suitable accommodation

- A person suffering with a diagnosed mental illness where the medical condition would be significantly improved by a move to alternative accommodation.

### **c) Lacking one bedroom**

This priority will be applied where the household is assessed as lacking one bedroom based on the bedroom calculation in (see s.5.4).

### **d) Under-occupancy by one bedroom.**

This priority will be applied where an existing council or housing association tenant is assessed as having one bedroom more than required by the household (see s.5.4).

### **e) Victims of harassment, violence or abuse**

Where FDC, CHA or a partner organisation has identified that the applicant or a member of their household is being subjected to harassment or other conduct causing alarm and distress that will be improved by a move to alternative accommodation. Harassment might be, but is not limited to, harassment due to, race, sex, gender reassignment, sexual orientation, mental health, physical disability, learning disability, religion, domestic abuse or harassment by a former partner or associated persons.

FDC & CHA will offer advice and support to assist the applicant in identifying possible ways to resolve the situation.

### **f) Applicants owed a Prevention or Relief duty (under s, 189a or 189B of the Housing Act 1996 (as amended))**

Where an applicant is threatened with homelessness within 56 days, the Council will work with the applicant to try and prevent their homelessness. Those applicants who the authority has reason to believe may be in priority need in the event of a main duty assessment and have a local connection, will be placed in Band B whilst the prevention measures are being pursued and the applicants are actively co-operating with the prevention work being done.

Where homelessness prevention has not been possible and an applicant becomes homeless, they will be owed a relief duty. Those applicants who the authority has reason to believe may be in priority need in the event of a main duty assessment and have a local connection, will remain in Band B during this time. Where placed in temporary accommodation by the local authority, applicants will not be awarded additional priority on any other accommodation related factors.

This priority will no longer apply once the prevention and relief duties have ended and applicants will be re-assessed on their circumstances.

### **g) Sleeping rough**

This priority will be applied where it has been confirmed that an applicant is sleeping rough and has no other accommodation available to them. The council will verify that an applicant is sleeping rough before awarding this priority. Rough sleeping priority will not be awarded when accommodation is available to the applicant, including a placement at a direct access hostel, but the applicant chooses not to take up this offer of accommodation. Applicants assessed as 'Sleeping rough' will not be awarded additional priority on any other accommodation related factors. This will apply even when duties have ended as described under Section 4.8 (d).

### **h) Multiple needs**

This priority will be applied where an applicant is assessed as having three or more Band C needs. This may include an application where more than two household members have the same assessed need e.g. three medical needs.

## **4.8 Band C: Medium need**

Applicants with the following circumstances will be placed into Band C:

### **a) Medium medical need**

Medium medical need will be awarded where an applicant has a medical condition or disability that is affected significantly by their housing circumstances, not at a critical or serious impact level but a move would be likely to improve their quality of life.

### **b) Need to move for social reasons**

Where FDC, CHA or a partner organisation has assessed the applicant's need to move for social reasons. An applicant will only be awarded this factor once irrespective of the number of social needs that may apply to their situation.

Examples where a social need to move may apply may include where an applicant:

- a) Needs to move to or within an area of the sub-region to give or receive support, and a proven level of support is required and can be given
- b) Has found employment in the Council area and needs to move closer to work, or will otherwise lose their employment, or suffer hardship
- c) Has staying contact with a child/children and is living in accommodation where the child/children are not allowed to stay overnight.
- d) Is living in a first floor or above property and has children less than 10 years of age as part of their household, or is more than 24 weeks pregnant.

### **c) Housing conditions**

This priority will be applied where the applicant/s either lack or share one or more of these facilities with persons, who are not members of their household. Facilities may include:

- a) A living room
- b) Kitchen
- c) Bathroom

#### **d) Other homelessness**

Applicants:

- a) Who are owed a Prevention Duty by the council but have been assessed as not having a local connection as set out in this policy.
- b) Who are owed a Prevention or Relief Duty but where the council believe the applicant would be unlikely to have priority need in the event of a Main Duty assessment if the relief duty were to come to an end unsuccessfully, although see 5.2.4.
- c) Where the Relief Duty has come to an end unsuccessfully and the applicant has been determined to be intentionally homeless.
- d) Where the Relief Duty has ended unsuccessfully and it has been determined that the applicant is not owed the main duty as they are not in priority need.
- e) Who are owed the s193C (4) duty where the Relief Duty has been ended due to the applicants deliberate non-cooperation.
- f) Who are owed a main homelessness duty by a local authority that is not a partner organisation in Home-Link scheme but has a local connection as defined in this policy.
- g) Where the Relief or Main Duty has ended due to the applicant's unreasonable refusal of an offer.
- h) Where the Relief Duty has ended following the expiry of 56 days.

Applicants assessed as 'Other homelessness' will not be awarded additional priority on any other accommodation related factors.

Applicants given this priority will have their application reviewed on the anniversary of the decision, unless there is a change in their circumstances in the meantime.

#### **e) Reasonable preference but no connection to the local area**

This priority will apply to any applicant in one of the reasonable preference groups but who do not meet any of the criteria for connection to the local area in section 3.4.1 of this policy.

### **4.9 Band D: Low housing need**

- 4.9.1 Any applicant who does not meet any of the criteria in Bands A, B and C will be assessed as having a low level of housing need and their application will be placed in Band D.
- 4.9.2 Anyone assessed as having sufficient financial resources to resolve their own housing need (see s.4.13) will be placed in band D. These applicants will only be considered for an offer of a property once all other bidding applicants who do not have sufficient financial resources to resolve their own housing need have been considered.



## **4.10 Low priority**

4.10.1 In certain circumstances, applicants will be accepted onto the housing register, but their application will be considered as low priority as a result of unacceptable behaviour or circumstances that affects their suitability to be a tenant. In these circumstances their application will be placed in a housing needs band but they will not be actively considered for an offer of a tenancy or be able to express interest in available properties. Their application will remain in low priority until the applicant has shown that the circumstances or behaviour has changed so that they are considered suitable to be a tenant.

4.10.2 The following categories will be considered as low priority:

- a) Applicants with recoverable rent arrears, former rent arrears or other housing-related charges or debts, where these are not sufficiently high to class them as not qualifying to join the register (see s.3.5). In most circumstances, an applicant with outstanding recoverable rent arrears, former rent arrears or other housing-related debts will not be considered for an offer of a tenancy or eligible to bid for housing until they have shown a regular repayment record. In reaching this decision any extenuating circumstances will be taken into consideration, including coercion, harassment and abuse.
- b) Applicants with a history of unacceptable behaviour where this is not sufficiently severe to class them as not qualifying to join the register (see s.3.5).

4.10.3 All applicants who are considered low priority will be informed of this decision in writing, and how their application could be re-assessed, for example, by agreeing and keeping to an arrangement to make payments towards rent arrears, or by the applicant satisfying the council that the circumstances or unacceptable behaviour that made them unsuitable to be a tenant have changed.

4.10.4 FDC expects applicants to clear any recoverable housing related debts owed to any social housing landlord before an offer of a tenancy is made, where it is clearly within their means to do this (for example where the debt is relatively low and the applicant has a reasonable disposable income or has sufficient savings available).

4.10.5 When a financial assessment shows that the debt cannot be cleared immediately then a realistic and affordable repayment arrangement should be agreed to clear the debt. The applicant may become eligible to bid for property as long as they have made regular payments in line with the agreement they have made.

4.10.6 Applicants found to be low priority have a right to ask for a review of the decision (see Chapter 6).

## **4.11 Intentionally worsening housing circumstances**

4.11.1 If an applicant is assessed as having intentionally worsened their circumstances, the effect of which would be to improve their housing priority irrespective of whether they had prior knowledge of the lettings policy, their

level of housing need will be assessed on the basis of their previous accommodation, or previous circumstances at their current accommodation.

- 4.11.2 Applicants found to have intentionally worsened their circumstances have a right to ask for a review of the decision (see Chapter 6).
- 4.11.3 All applicants deemed to have intentionally worsened their circumstances will have their application reviewed on the anniversary of the decision, or earlier if there is a material change in their circumstances in the meantime.
- 4.11.4 If FDC has assessed and accepted the applicant is homeless or threatened with homelessness, has a priority need under the homeless legislation, but considers that they have become homeless intentionally; the applicant will be placed in Band C.

## **4.12 Homeowners**

- 4.12.1 In line with the 'Allocation of accommodation: guidance for local housing authorities in England', the Council will usually only allocate social housing to homeowners in exceptional circumstances. However, the council may allocate housing that is in low demand. Applicants who are homeowners will usually be allocated a Band D status. In exceptional circumstances the Council may consider a homeowner's status. For example, the Council may allocate housing to applicants who require support and whose age qualifies them for housing for older people, but who have insufficient financial resources to access housing for older people in the private sector.

## **4.13 Financial resources**

- 4.13.1 All qualifying applicants are entitled to apply for housing regardless of income levels. However, if an applicant is assessed as having income and/or capital, which will enable them to resolve their own housing need through other tenures they will not receive any preference for social housing and when bidding will appear on the shortlist after all other applicants that do not have the resources to resolve their own need.

This assessment will be based on the following:

- a) The total income of the applicant/partner
  - b) Any capital available to the applicant/partner
  - c) Average property prices and rents in the area for the type of accommodation needed by the household
  - d) The ability of the applicant/partner to rent a property in the private sector based on a realistic assessment of their financial position and commitments.
  - e) The ability of the applicant/partner to acquire a mortgage and maintain required repayments based on a realistic assessment of their financial position and commitments.
- 4.13.2 Excluded from the above financial assessment will be any member of the Armed Forces who may have received a lump sum as compensation for an injury or disability sustained on active service.

4.13.3 An assessment of 'sufficient financial resources' will override the applicant's household needs assessment (and banding, if other than Band D). Applicants assessed as having sufficient financial resources will remain in Band D until such time as those resources are no longer considered sufficient. Applicants can ask for this to be reviewed if and when their resources reduce or are rendered inaccessible, for example as a result of a Court Order, such that they are no longer able to resolve their own housing need.

#### **4.14 Officer review for Band A applicants**

4.14.1 Where an applicant has held Band A status for three months or more from their applicable date in band or the applicant has refused more than three reasonable offers of accommodation or has made little or no attempt to bid for accommodation CHA may carry out a review of their circumstances. This will result in either:

- a) A direct let – usually for statutorily homeless applicants living in temporary accommodation.
- b) Priority being maintained.
- c) Moving into a lower priority band if the circumstances under which they were placed in Band A no longer apply.
- d) Making the applicant unable to bid for a specified period, not exceeding six months

## Chapter 5

### Assessment information and criteria

#### 5.1 Transfer applicants

5.1.1 Transfer applicants are those applicants who are tenants of a council or housing association property in the UK who wish to move to alternative accommodation.

#### 5.2 Homeless applications

5.2.1 Applicants who are already on the housing register will remain in their existing housing needs band whilst a homeless assessment is carried out (unless the criterion in s.5.2.3 below applies).

5.2.2 When a decision has been made by FDC that an applicant is owed a main homelessness duty under s.193 (2) of the Housing Act 1996 (as amended) their application will be placed and remain in Band A until that duty is brought to an end (See s.4.6 (g))

5.2.3 A person who is threatened with homelessness may have an existing housing register application. Applicants already in Band A will retain their existing Band A status whilst homelessness prevention measures are pursued.

5.2.4 An applicant who is owed a Prevention or Relief Duty but would be unlikely to have priority need in the event of a Main Duty assessment will be placed in Band C (unless other circumstances are such that they are eligible for placement within a different band).

5.2.5 Applicants where a Main Duty decision has been reached but are intentionally homeless will be assessed as having Band C status in line with 4.8 (d) (c).

5.2.6 The main homelessness duty will come to an end, and a homeless applicant loses their priority under this section, when any of the circumstances within s.193 (6) or (7) of the Housing Act 1996 Act (as amended) are met. This will include an applicant:

- a) Accepting an offer of accommodation made through the Home-Link scheme
- b) Accepting an offer made through the direct let process within the policy (see s.5.10), or
- c) Accepting a suitable offer of accommodation in the private rented sector in line with section 193 of the Housing Act 1996 (as amended) and the Homelessness (Suitability of Accommodation) (England) Order 2012
- d) Having been informed of the possible consequences of refusal and the right to request a review of the suitability of the accommodation, refuses a reasonable offer of suitable accommodation made through the direct let process, or in the private rented sector as outlined in c) above

S. 193(6) of the Housing Act 1996 Act (as amended) gives the full circumstances under which the main homelessness duty comes to an end.

### **5.3 Split families**

- 5.3.1 Where an application is made by family members who it would be reasonable to expect them to live together but they are unable to do so, the Council will assess their particular circumstances to consider the best way of addressing their housing needs.

### **5.4 Bedroom requirement guidelines**

- 5.4.1 Bedroom requirements are generally determined in line with the Local Housing Allowance (LHA) regulations and these regulations will be applied when calculating bedroom requirements in overcrowding and under-occupancy assessments. They will also be used when calculating the size of property (number of bedrooms in the property) that an applicant will be able to bid on and eligible to be offered through the letting process.

Bedroom requirements are determined by the applicant's size of household. Ineligible household members may be included, subject to paragraph 2.1.2. Generally, the LHA regulations allow one bedroom each for:

- a) Every adult couple
- b) Any other adult aged 16 or over
- c) Any two children (aged under 16) of the same sex
- d) Any two children, regardless of sex, under the age of 10
- e) Any other child aged under 16
- f) A non-resident carer (claimant/partner or child have disability and need overnight care)

Applicants requiring help in calculating their bedroom entitlement can use the Directgov online bedroom entitlement calculator at <https://lha-direct.voa.gov.uk/BedRoomCalculator.aspx>.

If, in exceptional circumstances, the Council considers that a room designated by a landlord as a bedroom is not capable of being used as a bedroom, they may re-assess overcrowding for the household.

- 5.4.2 Single and joint applicants of pensionable age may be eligible to be considered for one and two bedroom properties considered to be housing for older people.
- 5.4.3 A pregnant woman expecting her first child will be assessed as requiring two bedrooms from week 24 of her pregnancy.
- 5.4.4 An applicant may be assessed as requiring an additional bedroom where FDC considers there are special circumstances.

### **5.5 Staying contact with children**

- 5.5.1 A child, or children, living between parents at separate addresses will only be considered as having one main home unless there are exceptional circumstances that mean that both parents should provide a home. A Court Order allowing access to children, or confirming residence between separated parents, does not mean that the Council must consider that the

child is part of an applicant's household for the purposes of a housing register application.

- 5.5.2 An assessment will be made by the Council as to which parent's property is considered as the child's main home. If the Council considers that an applicant does not provide the child with his or her main home then the child will not be considered as part of the housing register application. The child would then not be considered as part of the bedroom requirements when assessing overcrowding or under-occupation. They would also not be considered when assessing the size of property (number of bedrooms) that the application would be eligible to bid for and offered through the lettings process.

## **5.6 Medical assessments**

- 5.6.1 Medical assessments will be carried out for any applicants who believe that their medical condition or disability is affected by their current accommodation. The applicant will be required to fill in a self-assessment medical form, or provide information from a medical professional, detailing the effect that their current accommodation has on their medical condition or disability. These forms will be assessed and where appropriate referred to a medical professional or appropriately trained officer for their opinion of how the medical condition is affected by the applicant's housing circumstances.

## **5.7 Harassment and domestic abuse**

- 5.7.1 Where the applicant is a victim of harassment, domestic abuse or anti-social behaviour, FDC & CHA will offer advice and support to assist applicants in identifying possible ways of resolving their situation.

## **5.8 Applicant subject to Multi Agency Public Protection Arrangements, (MAPPA)**

- 5.8.1 Where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA), FDC & CHA will liaise with the panel to ensure an appropriate housing solution to meet the needs of the applicant and the community.

## **5.9 Emergency housing status**

- 5.9.1 An emergency housing status may be awarded to applicants in exceptional circumstances, where remaining in their current accommodation may cause risk of death or serious injury, where an applicant has been assessed as having multiple needs that fall within Band A, where an applicant is terminally ill, is already in Band A and, in the opinion of a qualified medical practitioner, is likely to have less than 12 months to live, or where the applicant's home is to be demolished under one of the council's or partner organisation's redevelopment schemes. An applicant with emergency housing status who bids for a home will be considered as a priority above all other applicants in any other band.

## **5.10 Direct Lets**

- 5.10.1 Most properties will be advertised through the Home-Link scheme. However, in certain circumstances some properties may be let directly to

applicants and these properties will be let outside of the allocation scheme. 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 this may happen.

- a) Where the Council has accepted a main homelessness duty towards a household but the household has not found suitable accommodation during a period of choice through the Home-Link scheme.
- b) Where the Council has accepted a s189 (b) relief duty towards a household but the household has not found suitable accommodation during a period of choice through the Home-Link scheme.
- c) Where an applicant and their household require a specific size, type or adapted property and the applicant has not been able to find suitable accommodation through the Home-Link scheme.
- d) Where an existing social housing tenant is required to move to make the best use of stock, including where their home is to be demolished, and they have not been successful in finding a suitable property through the Home-Link scheme.
- e) Where the applicant has emergency housing status.
- f) Use and occupation cases.
- g) Where an applicant in Band A has refused 3 reasonable offers or made little or no effort to bid.

5.10.2 Information as to which properties have been allocated though direct lets will be made available through the Home-Link feedback information.

5.10.3 Direct lets will be made based on a suitable property becoming available. Where a property becomes available that is suitable for more than one applicant with a direct let status, the date applicants were awarded a direct let status will be used as a deciding factor in deciding to whom the property will be let.

## **5.11 Direct lets to homeless applicants**

5.11.1 Homeless applicants who are owed a main homelessness duty by FDC (under s.193 (2) of the Housing Act 1996, as amended) will be placed in Band A and will be able to bid for properties through the Home-Link scheme. Their date in band will be the date they originally applied to the Council as homeless.

5.11.2 Where homeless applicants in Band A have not been offered a tenancy through the bidding process at the point at which the Council has accepted the main homelessness duty, the council reserves the right to make a direct let of a property, either in the social or private rented sector.

5.11.4 Where a homeless applicant is to be allocated a property through the direct let process FDC has responsibility for determining the suitability of any allocation. They will do this by assessing the household's particular needs and circumstances within the context of the general housing conditions in the area.

5.11.5 Where a homeless applicant is offered accommodation through a direct let, but does not feel that this offer is suitable; they have the right to request a

review of the decision that the offer is suitable. For details of the review process (see Chapter 6).

5.11.6 As the property does not have to remain available during the review of the suitability and reasonableness of a direct let, homeless applicants are advised to accept and move to the accommodation pending the decision on review. If the review outcome is unsuccessful for the applicant they will still have accommodation to live in whilst they consider their further options.

5.11.7 If a homeless applicant refuses a direct let and it is then deemed suitable at review, the main homelessness duty will come to an end. They will also have to vacate any temporary accommodation that is being provided.

5.11.8 If, on reviewing an applicant's refusal of a direct let, the property offered is considered to be unreasonable or unsuitable, the duty under s.193 (2) will continue and the applicant will be made a further offer of suitable accommodation.

## **5.12 Applicants who require a specific size, type or adapted property.**

5.12.1 Where an applicant requires a specific size, type or adapted property, they will be placed in the appropriate housing needs band, but may be offered a direct let if Fenland have a shortage of suitable properties. For example:

- a) An applicant requires a very large property to accommodate their household.
- b) An applicant requires a property of a specific type in a specific area of the district.
- c) An applicant requires a property with specific adaptations and such a property becomes available.
- d) Where an applicant is willing to move to release a property larger than required to meet their housing needs.

## **5.13 Housing for older people (also known as sheltered housing)**

5.13.1 Housing for older people will be advertised through the Home-Link scheme. Housing for older people is generally available to applicants over 60 years of age but the age limit can be lower on some properties and it will be clearly shown in the advert. Prior to an offer of a tenancy, applicants will be subject to an assessment by the landlord of the property to establish their support needs and suitability to living in housing for older people.

## **5.14 Extra care properties**

5.14.1 Extra care properties are for older people who need the additional support services that are provided. Extra care properties are not often advertised through Home-Link. Where they are advertised, applicants who bid will be assessed based on their care needs by a specialist panel.

## **5.15 Refusals of direct let**

5.15.1 Where an applicant (other than a person owed the main homelessness duty) refuses a reasonable offer of a direct let a senior officer will review the reasons for the refusal and the applicant may lose any housing priority they held,



dependent on the reasons for the offer refusal. Applicants have the right to ask for a review of this decision (see Chapter 6).

## **5.16 Local lettings plans**

5.16.1 There may be circumstances where a Local Lettings Plan is used to help prioritise applicants.

Local Lettings Plans are used across the Home-Link area. For example, to help create balanced and sustainable communities, or to help mitigate any housing management issues identified on specific schemes. They may also be appropriate where local authorities provide rural exception sites to ensure homes are prioritised to local people in perpetuity.

Some local lettings plans may ask for an applicant to have a local connection to a specific parish or village. In those cases, the connection criteria will be stipulated in the legal agreement for that development.

Where a Local Lettings Plan applies, it will be stated in the property details when advertised. Applicants who apply for one of these properties but do not meet the local letting criteria will find that their Home-Link bid will be given a lower priority than an applicant who does meet the criteria for that property.

Details of any Local Lettings Plans will be available from the local authority in whose area the property is situated.

## Chapter 6

### 6.1 Reviews of decisions

6.1.1 FDC and/or CHA will carry out reviews of assessment decisions as required.

6.1.2 Examples of the types of decisions that may be reviewed include:

- a) Multiple need in band
- b) Emergency housing status
- c) Moving people up a band or down a band
- d) Priority assessments, in complex cases.
- e) Housing people in different accommodation to designated need size
- f) Low priority decisions
- g) Direct lets
- h) Being restricted from bidding

The above list is not exhaustive.

### 6.2 Statutory reviews

6.2.1 An applicant has the right to request a review of certain decisions made under Part 6 of the Housing Act 1996 (as amended). These are:

- a) 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
- b) Lack of any reasonable preference based on previous behaviour s167 (2C) Housing Act 1996 (as amended)
- c) Ineligibility for an allocation based on immigration status s160ZA (9)
- d) Decisions that an applicant does not qualify for entry on to the housing register (see sections 3.3 to 3.5)

6.2.2 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. An applicant can obtain further details of the review procedure from FDC or CHA.

6.2.3 A request for a review of a decision can be made in writing or verbally to a member of staff at FDC or CHA. The request should be made within 21 days following the notification of the decision. Reviews will normally be considered within 56 days of the request being received but may be completed sooner. The applicant will receive a written response outlining the result of the review.

6.2.4 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 procedure. If they continue to be dissatisfied after the Council complaints procedure is concluded, they can contact the Local Government Ombudsman (see s.6.4) or seek to challenge the decision through a judicial review.

6.2.5 Statutory 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.

### **6.3 Homeless reviews**

6.3.1 Homeless applicants have the right to request a review of certain decisions made by the Council in respect of their homeless application. Within the context of the Council's lettings policy this includes the decision to bring to an end the main homelessness duty by making a suitable offer of permanent accommodation through the housing register through the direct let process or in the private rented sector (see s.5.11).

6.3.2 If an applicant wishes to ask for the review of the Council's decision following a homeless application they must request this within 21 days of the date of the decision letter.

6.3.3 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.

6.3.4 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.

6.3.5 The applicant has the right of appeal to the county court if they are dissatisfied with the decision on a review.

### **6.4 The Local Government Ombudsman**

6.4.1 The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most council matters including housing.

6.4.2 If an applicant is not satisfied with the action the council has taken, and has exhausted the council's own complaints procedure, they can send a written complaint to the ombudsman.

6.4.3 The Local Government Ombudsman can be contacted at:  
Local Government Ombudsman  
PO Box 4771 53-55 Butts Road  
Coventry  
CV4 0EH  
Tel: 0300 061 01614  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)

If an applicant wishes to make a complaint against a housing association, they should contact:  
The Housing Ombudsman Service  
PO Box 152  
Liverpool  
L33 7WQ  
Tel: 0300 111 3000  
Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

## **Chapter 7**

### **7.1 Letting of accommodation**

7.1.1 Properties will be advertised through the Home-Link scheme. The advertising will be carried out on a regular basis and for specific periods of time, known as advertising cycles.

### **7.2 Labelling property adverts**

7.2.1 All adverts will include a description of the property and any other relevant information, for example rent charge, property size, length and type of tenancy, local facilities, disabled adaptations or if the property is housing for older people. The property will be labelled to show who is able to express an interest in it (known as bidding), for example, where a local connection is required, or if there is an age restriction on the property.

7.2.2 At least 1% of adverts will offer preference to social housing tenants needing to move for employment reasons (who would otherwise suffer hardship) under the Right to Move scheme.

7.2.3 Applicants should check the information contained in the property advert labelling to see if they qualify to be considered for the property.

### **7.3 Bedroom requirements**

7.3.1 Bedroom requirements will generally be determined in line with the Local Housing Allowance (LHA) regulations (see s.5.4).

7.3.2 Landlords may choose to allow the under-occupation of certain properties including those that they advertise. The property advert will explain this on those properties the landlord is willing to under-occupy. Where a landlord is willing to allow under-occupation, this will generally be by allowing an applicant to be considered for one bedroom more than their assessed Local Housing Allowance (LHA) entitlement (for example allowing applicants with an assessed two bedroom LHA need to be considered for a 3-bedroom property). All households bidding for these properties and meeting the labelling criteria will be considered in line with the shortlisting criteria contained in 7.4.1 below.

7.3.3 Where a landlord is willing to allow under-occupation an affordability assessment will be completed to ensure that the applicant being considered for the property is able to meet rent payments and household utility bills. If the applicant is assessed as being unable to afford the rent payments and household utility bills the landlord may bypass them on the shortlist.

### **7.4 Shortlisting**

7.4.1 After the end of an advertising cycle a shortlist of applicants bidding for the property and meeting the labelling criteria will be produced. Applicants will be ranked in order of their priority band with Band A above Band B, Band B above Band C, and Band C above Band D. Where more than one applicant in the same priority band appears on the shortlist they will be ranked in date

order as determined by their date in band (see 2.3). In circumstances where there is more than one applicant in the same band with the same date in band, the applicant with the earliest registration date will appear higher on the shortlist. If there is more than one applicant with the same band, date in band and registration date an officer will make an allocation decision based on the best use of the housing stock and needs of the applicants.

7.4.2 Preference during shortlisting will be given to applicants within a band who have a proven connection to the local area.

7.4.3 When a shortlist of applicants is completed the landlord of the available property may offer an accompanied viewing of the property to a group of the highest priority applicants. This is to ensure that if the applicant who tops the shortlist decides not to take the tenancy, the property can be quickly offered to the next person on the shortlist.

7.4.4 After viewing the property the applicant at the top of the shortlist will be given 24 hours to accept or refuse the offer. If an applicant is offered a tenancy (verbally or in writing) and does not reply to accept that offer within the deadline given, the landlord will take this as a refusal of the offer. If the offer is refused the next person on the shortlist will be offered the property. The landlord will work down the shortlist in order.

7.4.5 In exceptional circumstances an officer may make a decision to bypass an applicant on a shortlist, for example, if, in doing so, the offer could put a person at risk of any harm. Any such decisions will be explained fully to the applicant in writing by the landlord making the decision. This is known as a 'sensitive let'.

## **7.5 Formal offer of the property**

7.5.1 Once the applicant has confirmed their acceptance of the tenancy the landlord of the property will write to confirm the formal offer of the tenancy. The Home-Link system will then not allow that applicant to be considered for any further properties and once the tenancy starts their housing register application will be cancelled.

7.5.2 Once the property is ready to let the landlord of the property will complete the tenancy sign up.

## **7.6 Withdrawal of offers**

7.6.1 In exceptional circumstances an offer of a property may be withdrawn, for example:

- a) Where there has been a change in the applicants' circumstances
- b) Where the successful applicant has rent arrears or other housing related debts that had previously not come to light
- c) Following verification the applicant is not eligible for the property
- d) Where an error has been made in the advertising criteria
- e) Where an offer of accommodation could put a person at risk of any harm
- f) Where the property is no longer available to let

## **7.7 Refusing an offer of accommodation**

7.7.1 Usually, if an applicant refuses an offer of accommodation made through Home-Link, they will remain in their housing needs band. If an applicant unreasonably refuses three or more offers of a property made through Home-Link or has made little or no attempt to bid for accommodation, an officer may contact the applicant to offer support and assistance and verify their circumstances. The applicant may be moved into a lower priority band or be unable to bid for a specified period not exceeding 6 months.

## **7.8 Allocations to staff, council members or their family members**

7.8.1 Members of staff, their close family and elected members of FDC and CHA who require housing via the Fenland housing register may apply for housing in the same way as other applicants. Their status should be disclosed on the application form at the time of applying.

7.8.2 If an applicant who is a member of staff, elected councillor or a member of their direct family, makes a successful bid for a property the senior officer from FDC or CHA will be informed and must approve the letting prior to the formal offer being made.

## **7.9 Tenancy management outside the scope of the lettings policy**

7.9.1 The following tenancy management areas are not included as part of this lettings policy as they are not included within part 6 of the Housing Act 1996 (as amended):

- a) Mutual exchanges
- b) Introductory/starter tenancies converted to secure/assured tenancies
- c) Where a secure/assured tenancy of a property is assigned by way of succession to the same property
- d) Where a secure/assured tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure/assured tenant died immediately before the assignment
- e) Where court orders are made under one of the following:
  - i. Section 24 of the Matrimonial Causes Act 1973
  - ii. Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
  - iii. Paragraph 1 of schedule 1 to the Children Act 1989
- f) Managed reciprocals

## **Chapter 8**

### **Confidentiality and access to information**

#### **8.1 Applicants' rights to information**

8.1.1 Applicants have the right to request such general information as will enable them to assess:

- a) How their application is likely to be treated under the lettings policy (including whether they are likely to be regarded as a member of a group of people who are to be given preference by this policy, (see Chapter 3)
- b) Whether housing accommodation appropriate to their needs is likely to be made available to them.

8.1.2 Applicants have the right to request information held about their application which is likely to be, or has been, taken into account when considering whether to allocate them housing.

#### **8.2 Data protection**

8.2.1 When an applicant applies to the Home-Link scheme the partner organisations will only ask for information that they need to assess their eligibility and housing needs. The partner organisations will collect and keep data in accordance with the council's guidelines on handling personal, sensitive personal or special categories of personal data. You can find out how the Council hold and use information about you on the Council's website.

8.2.2 These guidelines are in accordance with the national regulations which cover both electronic and manual records and the govern everything we do with the data, including collecting, storing, using and disposing of it.

8.2.3 Personal, sensitive personal or special categories of personal data held about applicants will not be disclosed to third parties apart from:

- a) Where the individual who is the subject of the confidential information has consented to the disclosure
- b) Where disclosure is made in accordance with an information sharing protocol that complies with the ICO's current data sharing code of practice
- c) Where the council or a partner organisation is required by law to make such disclosures

#### **8.3 Requesting information**

8.3.1 Applicants are able to request copies of the information held regarding their application. Please note that we cannot provide you with personal information about other people if doing so will breach the regulations.



## Appendix 1

### Home-Link Partner Organisation List

#### Local Authority

##### **Cambridge City Council**

Mandela House  
4 Regent Street  
Cambridge  
CB2 1BY  
Email: [cbl@cambridge.gov.uk](mailto:cbl@cambridge.gov.uk)  
Website: [www.cambridge.gov.uk](http://www.cambridge.gov.uk)

##### **South Cambridgeshire District Council**

South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA  
Email: [cbl@scambs.gov.uk](mailto:cbl@scambs.gov.uk)  
Website: [www.scambs.gov.uk](http://www.scambs.gov.uk)

##### **East Cambridgeshire District Council**

The Grange  
Nutholt Lane  
Ely  
Cambs  
CB7 4PL  
Email:  
[customerservices@eastcambs.gov.uk](mailto:customerservices@eastcambs.gov.uk)  
Website: [www.eastcambs.gov.uk](http://www.eastcambs.gov.uk)

##### **Huntingdonshire District Council**

Pathfinder House  
St Mary's Street  
Huntingdon  
Cambridgeshire  
PE29 3TN  
Email: [housingservices@huntsdc.gov.uk](mailto:housingservices@huntsdc.gov.uk)  
Website: [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk)

##### **Fenland District Council**

Fenland Hall  
County Road  
March  
Cambridgeshire  
PE15 8NQ  
Email:  
[info@fenland.gov.uk](mailto:info@fenland.gov.uk)  
Website: [www.fenland.gov.uk](http://www.fenland.gov.uk)

#### LSVT Landlord

##### **Sanctuary Housing**

Avro House  
49 Lancaster Way Business Park  
Ely  
Cambs  
CB6 3NW  
Email:  
[east-lettings@sanctuary-housing.co.uk](mailto:east-lettings@sanctuary-housing.co.uk)  
Website: [www.sanctuary-housing.co.uk](http://www.sanctuary-housing.co.uk)

##### **Chorus Homes**

Brook House  
Ouse Walk  
Huntingdon  
Cambridgeshire  
PE29 3QW  
Email: [info@chorushomesgroup.co.uk](mailto:info@chorushomesgroup.co.uk)  
Website: [www.chorushomesgroup.co.uk](http://www.chorushomesgroup.co.uk)

##### **Clarion Housing**

Reed House  
Peachman Way  
Broadland Business Park  
Norwich  
NR7 0WF  
Email:  
[March-Home-Link@myclarionhousing.com](mailto:March-Home-Link@myclarionhousing.com)  
Website: [www.myclarionhousing.com](http://www.myclarionhousing.com)

## **Local Authority**

### **West Suffolk Council**

West Suffolk House  
Western Way  
Bury St Edmunds  
Suffolk  
IP33 3YU

Email: [customer.services@westsuffolk.gov.uk](mailto:customer.services@westsuffolk.gov.uk)

Website: [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk)

## **LSVT Landlord**

### **Flagship Housing Group**

Keswick Hall  
Keswick  
Norwich  
Norfolk  
NR4 6TJ

Email: [info@flagship-housing.co.uk](mailto:info@flagship-housing.co.uk)

Website: [www.flagship-housing.co.uk](http://www.flagship-housing.co.uk)

### **Havebury Housing Partnership**

Havebury House  
Western Way  
Bury St. Edmunds  
Suffolk  
IP33 3SP

Email: [office@havebury.com](mailto:office@havebury.com)

Website: [www.havebury.com](http://www.havebury.com)

## Appendix 2

### Glossary of Terms

**Adapted properties** – a property that has been adapted for an applicant with disabilities.

**Advertising cycle** – how often properties are advertised and available to make a bid on.

**Advertised** – properties that are advertised and are available for applicants to bid for through Home-Link.

**Age restrictions** – where a property is labelled, as only being available to applicants of a certain age.

**Application number** – a unique housing register number generated by the computer system.

**Bedroom eligibility** – how many bedrooms a household is assessed as needing.

**Bid** – the process used by applicants in registering an interest in an available property.

**Choice based lettings (CBL)** – a method of allocating social and affordable homes which have become available for letting by openly advertising them, and allowing applicants to bid for these.

**Customer/applicant** – is either a tenant of a partner organisation (including those in temporary accommodation) or a housing applicant on the Home-Link housing register.

**Date of registration** – the date an application form is registered with a partner organisation.

**Date in band** – the date an application is placed in a housing needs band and used as the applicable date when shortlisting.

**Decision making organisation** – the organisation that made a decision about a housing or homeless application.

**Direct let** – a property that is offered directly to an applicant, without them having to bid.

**Domestic abuse** – is threatening behaviour, violence or abuse (physical, psychological, sexual, financial or emotional) by a partner, former partner or a family member.

**Housing options** – looking at the number of ways in which an applicant or customer might be assisted and supported to find a solution to their housing

needs. Housing options may include private rented accommodation, mutual exchange, or even a help to buy product.

**Housing register** – a list of those requesting, eligible and qualifying for housing.

**Housing related debts** – are defined as recoverable current rent arrears, former tenant arrears, outstanding re-chargeable repairs, current and former housing related service charge arrears and court costs. They may also include Council Tax debts or Housing Benefit overpayments.

**Joint application** – where more than one applicant applies to join the housing register on one application form.

**Labelling properties** – describing who is eligible to bid for a property and if there will be a preference applied.

**Local Connection** – The connection an applicant has to a specific area.

**Local elected Councillors**– each local authority is governed by a group of elected councillors also known as members.

**LSVT landlord** – Large Scale Voluntary Transfer, where a local authority has sold its housing stock to a Registered Provider

**Mutual exchange** – a scheme which allows two social housing tenants to swap their homes.

**Partner organisations** – all the councils that are partners to the Home-Link scheme.

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

**Registered Providers** – also known as housing associations. These are social landlords who also provide social and affordable rented homes for which applicants/customers can bid for through the Home-Link scheme.

**Regular Forces** – Means the Royal Navy, the Royal Marines, Her Majesty's regular army or the Royal Air Force

**Reserve Forces** – Means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Regular Reserves, the Royal Air Force Reserve or the Royal Auxiliary Air Force

**Section 193C (4)** – The Main Housing Duty does not apply, but the authority will still have a duty to ensure that accommodation is available for occupation by the applicant.

**Transferring tenant** – an applicant who is currently a tenant of a local authority or registered provider and who wishes to move.