

Borough of Broxbourne



Allocations Policy

December 2011

1. The Housing Needs Register

1.1 Introduction

Under Section 106 of the Housing Act 1985 and section 168 of the Housing Act 1996, it is the duty of every authority to publish a summary of its scheme for the allocation of its housing accommodation and its rules for allocations including transfer and mutual exchanges. The scheme and the rules must be available at its principal office for inspection, without charge, by members of the public.

This document sets out the allocations scheme and the Council's rules. It is available for inspection at all Council offices and on Broxbourne Online, www.broxbourne.gov.uk/housing.

Broxbourne Council does not own any properties, so this is the allocation scheme for determining priorities for the nomination of applicants to Registered Social Landlords. An applicant will be offered accommodation by a Registered Social Landlord (RSL), usually a Housing Association. This policy is fully compliant with all relevant legislation and Codes of Guidance.

The Borough of Broxbourne is an area where demand for affordable housing is greater than the supply of social housing available. The purpose of this policy is to target the available supply of homes to the people most in need, based on the number of points each application is awarded. The more points an application has been awarded the greater the need for re-housing. We work out points on the basis of the information provided on an application form, so forms should be completed in full.

1.2 Aims and Objectives

- To discharge the Council's statutory duties as contained in Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002.
- To contribute to achieving the Council's aims and priorities with particular regard to equality, choice, eliminating poverty and disadvantage, achieving successful communities and meeting housing need.
- To enable properties to be let as quickly as possible.
- To ensure that the lettings process is simple, clear and accessible to applicants.
- To utilise the scarce supply of social housing within the district in order to maximise re-housing opportunities.

1.3 The Common Housing Register

Broxbourne Council administers a Common Housing Register (CHR) for applicants for social housing provided by registered social landlords (RSLs) throughout the district.

All of the RSLs listed participate in the Broxbourne Scheme:

- Broxbourne Housing Association
- Paradigm Housing Association
- Metropolitan Housing Trust
- Aldwyck Housing Association

The CHR is a database, maintained by the Council, of everyone who has applied for housing, and includes RSL tenants seeking a transfer as well as applicants seeking to become a tenant for the first time

The Council administers the CHR in partnership with participating RSLs. The CHR is a database of everyone who has applied for housing through the allocation scheme, who is eligible to receive an offer, and an applicant's 'status' on the CHR. These factors can affect whether an applicant receives an offer, when they do, and what type of property they receive (if any). Full details of the application process are set out in this document.

Through the CHR each applicant's housing needs are assessed and a level of priority given 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 a number of exceptions (which are set out in this document).

The CHR establishes the size of the property an applicant is eligible for.

The policy also sets out how properties are matched including details of the CBL (Choice Based Lettings) Scheme, and how priority is afforded to RSL tenants for a proportion of properties on offer amounting to 25% of total lettings.

1.4 The Lettings Plan

The Allocations Policy determines individual priority. The policy also sets targets between the two broad categories of housing applicant, namely:

- Tenants of RSLs participating in the CHR who are seeking a transfer;
- Applicants seeking to become RSL tenants.

The current targets are that 25% of all lettings will be to tenants and 75% to applicants, although this may be reviewed periodically. In order to achieve this, in some cases priority will be given to tenants seeking a transfer under the allocation scheme. (The operation of this process is set out in this document).

The Policy also sets percentage targets as to the type of properties going to each of the two categories, subject to periodic review.

It should be noted that there is no specific provision within the Lettings Plan to set aside a proportion of homes for the rehousing of statutorily homeless households. This is because the Council takes the view that the level of priority afforded such cases through the points scheme is consistent with the need to provide 'reasonable preference' under the relevant legislation, rather than through setting aside a percentage of properties to be ring fenced for such cases.

The Council also takes the view that the policy should support efforts to prevent homelessness wherever possible, and that this should be viewed as an explicit aim of the policy.

There is, however, provision to introduce a quota to homeless households for a limited period of time, where it is deemed that the local housing situation has changed to the extent that the points awarded to statutory homeless households under this policy have ceased to engender the degree of 'reasonable preference' required under the relevant legislation.

The specific circumstances where this may occur, and how the policy will be implemented, are set out in the body of this document.

1.5 Equal Opportunities

The Council is committed to securing equality of opportunity in all aspects of its activity as a service provider. This means that every effort is made to ensure that all sectors of the community have equal access to services offered by the Council and its RSL partners. No person will receive less favourable treatment than others because of gender, disability, age, ethnic or national origin, marital status, religion, creed, sexual orientation or responsibility for dependants.

The Council is required by Section 166 of the Housing Act 1996 (as amended by the Homelessness Act 2002), to ensure advice and information is available about the right to make an application for housing and to provide assistance to anyone likely to have difficulty making an application for housing.

The Housing Needs Service will provide assistance to any member of the public who needs help to make an application for housing, and will offer to help anyone who is thought to have a difficulty in completing an application or providing information due to a disability, illness or language difficulties.

To monitor the effectiveness of this policy, applicants will be asked to complete a section in the application form describing their ethnic group and any disability.

Information on the Allocation Scheme will be made available in alternative formats and languages on request. The Council will make sure that all people have equal access to our services and are not treated less favourably on grounds such as age, sex, religion, sexuality or disability.

1.6 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..

1.7 Access to Advice and Information

The Council's Housing Needs Team provides a free advice and assistance service to all housing applicants and tenants seeking a transfer covering all aspects of this policy. This includes dealing with enquiries on the following issues:

- Who can apply for housing through the CHR and how to go about it
- The processes and procedures that an applicant will need to comply with, to successfully register
- How they are likely to be treated under the scheme including the level of priority awarded (as expressed through the points scheme), what accommodation the applicant is entitled to, and the chances of receiving an offer, insofar as this can be meaningfully given
- The lettings process including the functioning of the CBL scheme, offers outside of CBL, and any special circumstances that might be applicable.

1.8 Data Protection

Computer records are covered by the Data Protection Act 1984. This controls the use of computers in the collection, storage, processing and distribution of personal data.

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 40 days of the application. No fee is charged for this service, although we will charge £10 for a full file copy.

1.9 Information on the Housing Register

Under Section 166 of the Housing Act 1996, a person on the Housing Register of a local authority is entitled:

- to see the entry relating to him/herself and to receive a copy of it free of charge, and
- to be given such general information as will enable him/her to assess how long it is likely to be before accommodation appropriate to his/her needs becomes available for allocation.

Information will be provided to each applicant following registration at no charge. Copies of the information are available from the Housing Needs Service at Bishops' College.

2. Applying to go on the Register

2.1 Procedure

Applicants must complete the Council's housing needs register application form, which is available from the Council offices, One Stop Shops and our website www.broxbourne.gov.uk/housing. Applicants will also be required to produce appropriate proofs of identity, address and children, etc. as set out on the front page of the form.

Once all the necessary forms and proofs are received, the application will be registered. We aim to register all applications within five working days. A letter will be sent advising applicants what points have been awarded and their position on the register relative to others.

2.2 Age

A person must be 16 years old or over to appear on the list. If the application is in joint names, both parties must be 16 years or over before the application can be accepted.

If a person is 16 or 17 years old, they may be required to provide a guarantor who will guarantee any tenancy offered until the applicant reaches 18 years. This could be a parent, guardian or social worker.

2.3 Eligibility

Anyone aged 16 years or over can join the housing register unless:

- An applicant is subject to immigration control within the meaning of the Asylum and Immigration Act (1996), or is otherwise in a group or category of person deemed ineligible by law
- An applicant who has deliberately given false or misleading information or withheld relevant information in connection with their application
- The Council is satisfied that an applicant, or a member of the applicant's household, is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.

2.4 Tenants of Registered Social Landlords

Tenants of RSLs are able to go on the housing register, and their application will be treated the same as all other applicants. However, under the Common Housing Register arrangements the Council is required to ensure a certain proportion of properties are given to RSL tenants (25%), so in some cases first priority will be given to them. RSL tenants seeking to benefit from these arrangements must be:

- Ordinarily resident in the dwelling of which they a tenant as their principle and only home
- Able and willing to give vacant possession of the dwelling to the landlord when they move under these arrangements

3. Proof of Circumstances

The Council will require information to verify your current and previous addresses, household members, income and assets and any other details that may be relevant to your application. You will be advised of the information you need to provide and your application will not be considered if any requested information has not been provided. The documents that are acceptable are set out below. If an application is submitted without all the necessary documentation, 28 days will be allowed for a response after which the application will be automatically cancelled.

3.1 Proof of Identity

To prove their identity an applicant is required to produce identification from the following list, for themselves and every other person included in their application:

- Full Birth Certificate:
- Passport.
- Driving Licence
- European Union Identification Card.
- Approved Immigration Status Documentation.

3.2 Proof of Address

To prove their current address an applicant is required to produce at least two forms of evidence from the following list, for themselves and every other person aged 16 years or over included in their application:

- A recent (within last two months) utility bill (gas, water, electricity, telephone).
- Tenancy or Licence Agreement.
- A recent bank or credit card statement (within last two months).
- Benefit documentation.
- Driving licence.
- Confirmation of National Insurance Number from the Department of Work and Pensions (for 16 – 18 year olds).

In addition, for each child under the age of 16 included in the application:

- Confirmation of receipt of child benefit.

3.3 Proof of Present Tenancy

Either of the following for each transfer applicant is required:

- Tenancy or Licence Agreement.
- Rent Book/Card.

3.4 Proof of Marriage

A recognised Marriage Certificate is the only proof of marriage accepted. (For marriages conducted in the U.K, a civil marriage certificate must accompany marriage certificates following a religious ceremony other than in the Church of England or Church of Wales).

3.5 Proof of Divorce

A Decree Absolute is required to demonstrate that an applicant is divorced.

3.6 Proof of Pregnancy

A copy of the maternity certificate is required (MATB1).

3.7 Contact with Children

Where an applicant has overnight/weekend access to a child or children who live permanently elsewhere:

- Full Birth Certificate for each child and any one of the following:
- Letter of confirmation from a solicitor.
- Court Order - Proof of parental responsibility.
- Letter of confirmation from Children, Schools and Families, Dept. of Social Services, Herts. County Council.
- Letter of confirmation from the other parent or Guardian.
- Child Benefit Book which must be in the child's correct name

3.8 Employment

We will accept the following as evidence of employment within Broxbourne:

- Contract of employment.
- A recent payslip.
- Letter from employer on headed notepaper

3.9 Proof of Ending Ownership of Other Property

A letter from a solicitor, bank or building society confirming the assets realised from the sale or transfer of the property, plus one of the following for each applicant:

- Certificate of sale.
- Letter of confirmation from a solicitor.
- Letter of confirmation from a building society.
- Land Registry "office copy".

3.10 False or Misleading Information

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 him/her 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.

The Council will begin proceedings when:

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

If the Council discovers an applicant has given false or misleading information and/or has withheld relevant information, the Council can cancel their housing needs register application and can exclude them from the register for up to 12 months.

The registered social landlord 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.

3.11 Change of Address and/or Circumstances

When their circumstances change, applicants should immediately complete a Change of Circumstances form so that the Housing Needs Service's records are accurate and applicants receive all the points to which they are entitled. Examples of changes in circumstances which must be reported are as set out below:

- a change of address, for themselves or any other person on their application;
- a change in medical condition;
- any additions to the family or any other person joining their application;
- any member of the family or any other person included in the application who has left the accommodation.
- Any criminal convictions (with the exception of driving offences), ASBO's or ASBI's relating to the applicant or any member of their household.

The Housing Needs Service will be glad to give advice on any change in applicants' eligibility or prospects for an offer.

3.12 Deliberately Worsened Circumstances

Applicants who deliberately worsen their housing circumstances may not benefit from their actions either: i) by way of increased priority on the housing needs register or ii) by way of becoming eligible for an offer or nomination of accommodation.

If we have reason to believe that applicants have deliberately worsened their housing circumstances, we will not award points for the new circumstances, but will retain the level of priority given for their previous accommodation, or in the case of a new applicant they will be given points to reflect their previous circumstances.

3.13 Home Visits

A home visit may be conducted to verify information you have provided to us. If you are a RSL (housing association) tenant, your landlord may wish to visit you to check the condition of the property before an offer can be made. If you are visited, you should cooperate with the officer conducting the visit, as your application will not be made 'Live' until you have done so.

3.14 Criminal Convictions

Applicants will be required to complete and sign a declaration on the application form setting out any criminal convictions, ASBO's, ASBI's or any other type of injunction that relate to any member of the applicant household in the last 6 years

Failure to disclose such information or to update the Council on any new convictions, orders or injunctions will result in the application be cancelled.

The Council reserves the right to conduct checks of any relevant law enforcement or other agency to verify applications and to disclose information in relation to any of the above, to any relevant agency, RSL or other statutory or voluntary agency, as it deems appropriate.

The Council may conclude that applicants who hold a record as set out above may be barred, deferred or otherwise suspended and the Council may choose to limit the areas or types of accommodation that an applicant may bid for under the scheme.

The Council may also, where it is considered appropriate, bar an applicant from bidding under the CBL Scheme. In these circumstances and where the applicant is not otherwise barred, suspended or deferred, the Council can make a direct offer under the policy, where the applicant has sufficient points and is otherwise eligible to receive an offer.

4. Status of Applications

All applications will be awarded a status as set out below. These determine whether an applicant is eligible for housing.

4.1 Barred

This will apply when an applicant is barred from an application under the provisions of the 1996 Act. These include:

- Where the behaviour of the applicant or a member of their household is such that a local authority would have been able to obtain an outright possession order against them, had they been a local authority tenant.
- Where they, or a member of their household, is otherwise an unsuitable person to be a tenant at the time of application.
- Where they are not eligible under immigration law provisions, or the Habitual Residence Test.
- Where their application has been cancelled as a result of providing false or misleading information (see 4.8).

Where applicants are ineligible as a result of statute the Council has no powers to lift it.

Where applicants are barred under a discretionary power, the Council will only consider lifting such a bar, where the applicant can demonstrate that those factors that led to the bar are no longer applicable (e.g. that they, and all members of their household, are suitable persons to be tenants, where previously this was not the case), and that they are now willing and able to comply with the terms and conditions of a tenancy.

Where an applicant is considered unsuitable to be a tenant as a result of physical or learning disability or mental health or other medical factors, the Council will consider whether they would be able to maintain a tenancy if appropriate care and support were provided. The Council will also have regard to the Disability Discrimination Act (1995). Where it is determined that an applicant could maintain a tenancy with such support, any bar will only be lifted where the applicant demonstrates that they are willing to cooperate with such support as is deemed necessary.

In coming to a view as to what support is deemed necessary, the Council will have regard to the views of other relevant professionals e.g. social services, health services, police or the probation service

Decisions regarding discretionary bars will derive from consideration of all evidence available to the Council, including the application form. Where an applicant fails to disclose relevant information that might have a bearing on such a decision (e.g. in respect of criminal convictions, evictions or ASBOs or similar), this failure will be treated in the same way as all other false or incomplete disclosures as set out in 4.8, resulting in the cancellation of the application. Applicants will be required to sign a separate disclosure enabling access to police and criminal records

Except in exceptional circumstances, barred cases will remain barred for a minimum of two years. Thereafter a review will be undertaken to determine whether an applicant is now regarded as a suitable person to be a tenant should the applicant request it. Should the review conclude that the bar shall not be lifted, the review shall also determine when a further review should be undertaken, although this should not be a period less than six months.

Applicants who obtain a tenancy as a result of fraud or deception as set out in 4.8 below, and who are subsequently evicted from that tenancy on the grounds of the alleged fraud/deception will be barred for a minimum of five years under this policy. Such persons who agree to relinquish the tenancy prior to such action being undertaken will be barred for a minimum of two years.

4.2 Provisional

Provisional cases will not be eligible for offers of accommodation but will receive all their points once the 'Provisional' status comes to an end. The guiding principle is that this is essentially an administrative not punitive suspension which will not penalise the applicant, in terms of accruing points during the period the applicant holds Provisional status.

Provisional status will apply when:

- The applicant is living elsewhere on a temporary basis pursuant to employment, education, medical care, other forms of rehabilitation or custody and intends to return to the Borough (and would qualify as a *resident* under 7.3.2)
- The assessment process is not complete e.g. documents/information are still required.
- An applicant is in supported accommodation and is not yet ready to move.
- The applicant is a homeowner, where it has exceptionally been agreed that they shall not be *deferred*, and where the applicant is in the process of disposing of the property.
- The applicant has asked that their application be held under the "Leave until Approached" clause.
- There are extenuating circumstances which means it is inappropriate for a person to move at a particular time.
- Applicants during their first period (six months) in a privately rented home provided under the Private Rented Assistance Scheme or in the case of Frays Housing Association, the first 6 months of the first tenancy managed by this landlord.

4.3 Leave Until Approached

'Leave until Approached' status will apply when an otherwise 'Live' applicant has informed us they do not want to be considered or bid for properties until further notice. Cases will continue to accrue time points in the usual way. 'Leave until Approached' status will be awarded at the request of the applicant, although the Council reserves the right to refuse to award the status, where it is appropriate to do so.

4.4 Deferred

Deferred applications will not be considered for offers of accommodation and, under Choice Based Lettings, will not be allowed to register any expressions of interest in advertised properties. Applications that are deferred *will not* accrue time points during the deferral period.

Applications will be deferred when:

- There are rent arrears or other debts to the Council or a RSL, for example current or former rent arrears, a recharge for damage to a property or an outstanding private rented deposit loan.

In some circumstances, applicants who make, and keep to, an agreement made with the Council to pay back arrears may have the deferment lifted, at the discretion of the Council, and in the case of RSL assured tenants in arrears, the RSL to whom the monies are owed. Applicants will be expected to keep to such an agreement for a minimum of 6 consecutive months before the deferment is lifted. However, this may be extended further, if in the opinion of the Council (or in the case of a RSL assured tenant, the RSL to whom the monies are owed), a longer period is merited.

Where such a deferment is lifted, the applicant will be required to continue to keep to the agreed repayment schedule, or the application will be deferred again. Where this occurs the Council will give due weight to this in determining whether to lift the subsequent deferment through the conclusion of a repayment agreement.

In certain circumstances the severity and/or urgency of an applicants needs may be judged to override other considerations. An example of circumstances where this might be applicable would be the award of the highest level of medical priority.

- Where an applicant has refused two reasonable offers. The deferral period will be two years starting at the date of the last offer. This will not apply to applicants requesting sheltered or older person's accommodation.
- Where an applicant has been served a Notice Seeking Possession by an RSL. This lasts until the NSP is revoked or lapses.
- Where the applicant is residing in accommodation which was purchased through a subsidised scheme i.e. Right to Buy, Shared Ownership or has benefited from such a scheme and it is within five years of the date of purchase.
- Where an applicant is in the process of buying a property under the Right to Buy (from service of RTB1) or the Right to Acquire.
- Where an applicant is in the process of acquiring a leasehold or freehold interest in a property. This includes applicants with an active Right to Buy application or where there is a court order in place suspending the right to buy or the Right to Acquire.
- Where an applicant has been found intentionally homeless. This will last one year from the date of the homelessness decision.

- Where an applicant has been evicted from RSL accommodation located within the Borough for serious breach of tenancy (and where the Council has not barred the applicant)

An applicant may also be deferred where the following circumstances are applicable:

- Income, capital and savings - the Council will need to consider whether an applicant's income, capital or savings are sufficient to resolve their own housing requirements. As a guideline applicants with capital in excess of £16,000 will generally be deferred, but each case will need to be considered on its own merits and will include an assessment of the applicant's ability to find and maintain accommodation in the private sector. This equity limit will not apply to applicants for sheltered housing, who are of retirement age.
- Applicants who have sold a property in the last 5 years, will be required to provide a financial statement outlining what, if any proceeds accrued from the sale, and where appropriate account for their disposal. Any applicant who fails to do this will be deferred until such time as the information is provided.
- Ownership of an interest in a property whether locally (or elsewhere) is a financial resource that will be taken into account in determining the applicant's ability to meet their housing costs. Homeowners will normally be treated as deferred unless it is unreasonable for them to remain in their current accommodation and/or their housing problem cannot be resolved by adapting their present home or by selling it and using the proceeds of the sale to secure another home (including, but not limited to, by way of purchase).

In considering the above the Council will consider the following:

- The circumstances of the applicant and/or their household;
- Whether adaptation is a viable option;
- Whether the property could be sold, and the expected equity arising from the sale;
- The applicant's financial circumstances, commitments and mortgage potential;
- The supply and cost of private sector alternatives suitable for the applicant's specific needs;
- Whether the applicant could be expected to move outside the Borough;
- Any implications arising from the Homelessness legislation and the Strategic priority the Council affords to the prevention of homelessness.

Where the Council exceptionally agrees that an applicant will not be deferred as a result of home ownership, their application shall be made provisional until such time as the property is sold (i.e. contracts have been exchanged pursuant to the sale), or the interest otherwise relinquished.

For applicants for retirement housing (e.g. sheltered accommodation) the Council will also give due weight to the age of the applicants and the supply of those properties. The assessment will take place when the Council considers the applicant is close to being made an offer, not at the start of the application.

4.5 Live

The 'Live' status applies where the application has been approved for offers, following the submission and checking of all documentation, arrears history and other relevant information. **This is the only status that enables applicants to receive or bid for an offer of a home.**

4.6 Under Offer

This applies where an applicant has been allocated a home through the allocation process, and has not yet formally accepted the offer. Where an applicant is 'Under Offer' for a home they may not bid or receive additional offers

4.7 Offer Accepted

Where an applicant has accepted an offer and has, or is waiting to move into their new home this status will apply. Applicants with this status may not bid for another home.

4.8 Cancelled

An application will be cancelled if the applicant withdraws their application, or fails to respond to their annual review letter.

An application will also be cancelled if an applicant has succeeded to or been assigned a secure tenancy or an assured tenancy of a registered social landlord.

An applicant who has received and accepted an offer from a RSL outside of the CHR arrangements will be cancelled

Applications will be cancelled if an applicant has given false or misleading information or has not disclosed relevant information.

5. Annual Review of Applications

We will generally write to all applicants annually to ask them whether they want to stay on the waiting list.

Applicants who do not respond to the annual review letter will be sent a reminder. If we do not receive a response within 21 days of the date of the reminder letter, the application will be cancelled and a letter will be sent to confirm this.

If an application has been cancelled because the applicant did not reply to their annual review letter, we will normally reinstate the application if the applicant contacts us within six months of the original letter.

Any decision to extend this grace period beyond six months is solely at the discretion of the Council, and will not be extended beyond one year.

Where the Council decides not to conduct an annual review for administrative or other reasons, this clause will be inapplicable.

6 Applicant Preferences

The Council aims to meet people's requirements in terms of choice of accommodation, but must do so in the context of availability of accommodation by size and location.

Under the Choice Based Lettings process, applicants will be free to exercise choice by deciding which properties to bid for, within the limits defined in this policy. Full details of the operation of the CBL Scheme are available in the Scheme User Guide.

However, there are a number of circumstances where the CBL Scheme will not be applicable. In these circumstances the applicant is entitled to express preferences as to the area and type of property offered. Although there is no guarantee that these preferences can be met, the Council will seek to comply with them wherever possible, and wherever it is reasonable to do so.

6.1 Area

Applicants must choose a **minimum** of three letting areas from the following areas:-

- Broxbourne
- Bury Green
- Cheshunt High Street
- Dewhurst Estate
- Flamstead End
- Goffs Oak
- Hammond Street
- Holdbrook
- Hoddesdon North
- Hoddesdon South
- Hoddesdon Town
- Rosedale
- Rye Park, Hoddesdon
- The Springs
- Turnford
- Waltham Cross
- Wormley

6.2 Property Type

Applicants are free to nominate their preferences as to the type of property they may be offered, subject to the limitations set out in Section 8. However, where the Council makes a direct offer, there can be no guarantee that the preferences will be met, and some preferences (e.g. for a house) are very unlikely to be met.

6.3 Homeless Households

Applicants who have applied to the Council as homeless and to whom the Council has accepted a duty under Part 7 of the Housing Act 1996 are able to bid under the CBL Scheme.

However, in certain circumstances it may be necessary to make a direct offer of accommodation in which case the applicant will be required to choose between the following areas:

- North of the Borough
- South of the Borough
- Any area of the Borough

Applicants requesting either North or South of the Borough may request additional individual lettings areas from within the other part of the Borough. These are indicated on the application form.

The Council may agree to offering accommodation in more specific areas, in exceptional circumstances, e.g. if the applicant needs to be nearer special needs schooling, employment or is the main carer for a relative.

6.4 Other Circumstances

The Council may restrict the choices available to an applicant if, in conjunction with the Police/Probation, it agrees that such a restriction is necessary to safeguard the public interest.

7 Points Scheme

Points are awarded according to an applicant's particular needs and circumstances when assessed against the defined criteria below:

7.1 Legislative Background – Reasonable Preference

Under Section 167 (2) of the Housing Act 1996, the Council must give 'reasonable preference' to:

- People who are accepted as homeless under Part VII of the Housing Act 1996);
- People who are owed a duty by any RSL under section 190(2), 193(2) or 195 (2) of the 1996 Housing Act (or under section 65(2) or 68 (2) of the Housing Act 1985) or who are occupying accommodation secured by any RSL under section 192(3);
- People occupying insanitary or overcrowded housing or other unsatisfactory housing conditions;
- People who need to move to a particular locality in the district, where failure to meet that need would cause hardship to themselves or others;
- People who need to move on medical, disability or welfare grounds.

The legislation allows the allocation scheme to take account of other factors relevant to the needs of the local area in determining which applicants are to be given preference, providing these additional factors do not dominate the scheme at the expense of the reasonable preference groups defined above.

In determining priorities amongst applicants within the reasonable preference categories, it is permitted for the allocation scheme to take account of additional factors including:

- The urgency of the applicant's housing needs;
- Any local connection existing between the applicant and the Council's district;
- The financial resources available to a person to meet their housing needs;
- Any behaviour of the applicant (or a member of his or her household) which affects his or her suitability to be a tenant (but where that behaviour is not serious enough to render an applicant ineligible for housing);
- Other locally defined factors provided these do not dominate the scheme at the expense of the reasonable preference categories.

7.2 The Points Scheme Summary

All applications will be awarded 10 points regardless of any other factors.

	Category	Description	Points
1.	Length of application	An applicant will be awarded an additional 10% of their points total on annual review, and where that review occurs after 31.12.08	
2.	Local connection	Definition as set out in 7.3.2 Local Connection Resident (1 year+)	200 400
3.	Room deficiency (new applicants and existing tenants) Mixed sex sharing Bedsit living	<i>(Rooms of less than 50 square feet will not be counted)</i> Points will be awarded according to the difference between a household's entitlement and the current situation (see below 7.3.3): 1 room lacking 2 rooms lacking 3 rooms lacking 4+ rooms lacking Additional points to the above where members of opposite sex are required to share a room when not in a relationship or parent/carer and child 10 years and over Living in a bedsit with a dependent child	25 50 100 200 50 20
4.	Separated family	Parents of children separated through lack of accommodation. Any points awarded for overcrowding, sharing or lack of facilities will relate to the household with the greatest priority. In all cases, to be approved by manager.	30
5.	Domestic violence and harassment	Points for households suffering low level harassment or violence, domestic violence, witness intimidation, racial harassment etc. affecting an applicant's quiet enjoyment of their tenancy but no risk to life or limb. To be approved by a manager and reviewed after three months.	50
6.	Medical priority	Letters received from a GP or other appropriate medical professional will be assessed by the Council's medical advisor on a monthly basis, who will consider all of a household's medical circumstances before making a recommendation. There is a leaflet available which explains fully the procedure for assessing medical information. There are three categories: Minor Serious Overriding	50 100 200
7.	Location	Applicants who need to move to a particular locality in the district, where failure to meet that would cause hardship to themselves or others, where the applicant provides care or support. To be approved by a manager.	25
8.	Lack of facilities	Awarded if lacking one or more of the following: bathroom, kitchen, hot water supply and internal toilet, except where as a result of disrepair.	50

	Category	Description	Points
9.	Shared facilities	Awarded if sharing one or more of the following: bathroom, kitchen, hot water supply, toilet, except where as a result of disrepair with: Family Friends or others In a house in multiple occupation	20 30 40
10.	Caravans	Awarded where applicants are living in a mobile caravan or mobile home	10
11.	Homelessness	Applicants accepted as homeless under Part 7 Housing Act 1996 and in occupation of accommodation provided pursuant to a duty under S.188 or S.193 of the Housing Act 1996. Receipt of Homelessness Points will, in all circumstances, result in the withdrawal of any 'Homelessness Prevention Points' awarded	75
12	Homelessness Prevention	Where an applicant's homelessness has been prevented or the applicant is, in the opinion of the Council, working to prevent their homelessness. To be awarded at the discretion of the Council. An applicant can only hold one set of these points at any one time.	100
13	One bedroom priority	Extra points for couples, pregnant women and those with weekend access to children and therefore entitled to a one bedroom flat.	50
14	Transitional Time Points	All applicants who are on the Housing Register at the inception of this policy or who join the Housing Register up to 31.12.08 shall receive: 1 point for each month that the applicant has been on the Housing Register pursuant to their most recent application and where they are resident in the Borough as defined by 7.3.2 by this policy. 1 point for each two months that the applicant has been on the Housing Register pursuant to their most recent application and where they have a local connection with the Borough of Broxbourne as defined by 7.3.2 of this policy, but where they are not defined as resident. For the avoidance of doubt applicants may only receive one of the two awards possible under this clause (whichever is the higher).	

7.3 Points Scheme: Definitions and Rationale

7.3.1 Length of Application

10% of the total points level of the applicant will be awarded annually. These will be awarded following compliance with the Annual Review process (or where, in exceptional

circumstances no review is undertaken) on the date such a review would have taken place. This award reflects the length of time an applicant spends in housing need.

7.3.2 Local Connection/Current Resident

Local Connection

200 points will be awarded to applicants with a *local connection*.

An applicant will qualify as having a *local connection* if they meet one or more of the following criteria:

- Currently permanently employed in Broxbourne and working at least 16 hours a week.
- Has close relatives (i.e. sister, brother, mother, father, or adult children) who have been resident in the Borough for at least five years.
- Living permanently in a local Social Services residential home in Broxbourne, subject to discussions with Social Services.

All applicants who meet one or more of the above criteria receive local connection points. However, it should be noted that multiple connections do not entitle an applicant to multiple sets of local connection points. Similarly, joint applications may only receive a single award of local connection points.

Residence

400 points will be awarded to applicants who are *resident* in the borough. In order to qualify for residence points the applicant (or one or both of them in the case of joint applicants) must be resident in the Borough of Broxbourne. Residence points will only be awarded to applicants who have been resident for a minimum of one year

There are a number of instances where resident points will be awarded where the applicant is temporarily residing outside the borough.

- A student living and studying outside Broxbourne providing they were normally resident (as defined by this policy)
- Normally resident in Broxbourne but temporarily living outside Broxbourne whilst:
 - receiving medical or respite care
 - living in supported housing
 - serving a custodial sentence
 - adhering to bail conditions
 - serving in the HM Forces
 - In accommodation provided by the Borough of Broxbourne pursuant to a duty under the homelessness legislation.
- In accommodation outside the Borough as a result of homelessness prevention placement through the PRAS (Private Rented Assistance Scheme), where the

applicant previously was a *resident* (as defined by the policy) prior to the PRAS placement.

In all instances these points will be removed where an applicant accepts an offer of accommodation from a Local Authority or RSL (other than through Broxbourne CHR) outside of Broxbourne Borough.

Applicants who are living in the Borough *temporarily* are not entitled to residence points and include the following:

- Anyone on holiday;
- Resident in Broxbourne for the purpose of receiving medical treatment;
- Anyone who is only living in Broxbourne having been temporarily housed in Broxbourne by another council.

This list is not considered exhaustive, and the Council reserves the right to withhold residence points in other instances where it can be shown that the applicant is temporarily resident.

Non resident/No Local Connection

Applicants who are not resident and have no local connection are, all other things being equal, entitled to register on the Housing Register. However, they will not receive points under these criteria.

7.3.3 Room Deficiency

The guiding principle is that the points are awarded according to the difference between the accommodation the applicant is entitled to under the policy (Section 9) and the number of rooms there are in the dwelling they currently occupy (determining what constitutes a *dwelling* for the purpose of this exercise is a matter of fact and will be determined on case by case basis.)

In assessing room deficiency the Council:

- Discounts the following rooms: kitchen, bathroom, other rooms less than 50 square feet.
- It is assumed that any other room not on the list e.g. second reception can be used as a bedroom as long as it is suitable for that purpose.

In calculating the number of rooms an applicant occupies, the following definitions shall be used:

Current Situation	Defined as (number of Rooms)
Sharing room/no definable room (e.g. sleeping on friend's floor on a temporary basis)	0
Own room in shared house (including parental home), bedsit or studio flat	1
1 bed dwelling	2
2 bed dwelling	3
3 bed dwelling	4
4 bed dwelling	5

In calculating the entitlement the following definitions shall be used:

Entitlement	Defined as (number of Rooms)
Bedsit (Studio)	1
1 bed dwelling	2
2 bed dwelling	3
3 bed dwelling	4
4 bed dwelling	5

The calculation of room deficiency is:

Entitlement (defined as number of rooms) *minus* current situation (defined as number of rooms) = Room deficiency.

Where an applicant's circumstances do not appear to readily fall into one of the definitions as set out in their current situation, or where there is otherwise a degree of uncertainty, the Council will consider the situation on its own merits in coming to a view as to the level of points to be awarded under this entitlement.

The Council may also award a lower number of points under this entitlement, where it has reason to believe that the applicant's accommodation arrangements have been contrived for the purpose of deriving benefit from this entitlement. An example would include an applicant who claims to share a room in a dwelling that also contains rooms that appear to be empty, and to which the applicant might reasonably be said to have access.

Any lower award made will be based upon what the Council considers to be a reasonable arrangement having regard to the particular circumstances of the case.

The definition of a bedsit for this purpose is a dwelling that consists of one habitable room, and either a self contained or shared kitchen or bathroom.

Other awards under this clause are as set out in the summary.

Where applicants are deemed to require an extra bedroom on medical grounds, they shall be regarded as being *entitled* to the extra bedroom for the purpose of calculating room deficiency.

7.3.4 Separated Family

This is as set out in the summary.

The Council may also not award points under this entitlement, where it has reason to believe that the applicant's accommodation arrangements have been contrived for the purpose of deriving benefit from this entitlement.

Each case will be considered on its merits, and any award is at the discretion of the Council.

7.3.5 Domestic Violence/Harassment

As in the summary.

Applicants would generally be expected to provide evidence of the harassment, although the Council will consider representations from appropriate professionals in coming to a view. This includes RSLs, Police, Social Services or other relevant bodies.

The award will be reviewed after three months to determine whether the award remains appropriate having regard to any changes in circumstances, further incidents of harassment and the views of any other relevant agencies involved.

7.3.6 Medical Priority

The Council will consider medical information in relation to applicants and/or any member of their households for the purpose of assessing priority on the CHR. When assessing the level of priority the Council will consider the following:

- The nature of the medical condition;
- How this is affected by the applicant's current accommodation;
- How the condition will be improved by the provision of alternative accommodation, having regard to the housing stock that might reasonably be expected to be available for letting through the CHR.

The categories of award are Minor, Serious and Overriding.

Overriding

There is a critical need to move. The current housing situation is seriously injurious to health and interferes with quality of life to an intolerable degree.

Serious

The applicant is experiencing considerable difficulty as a result of their current housing, impacting the applicant on a daily basis. A move to more appropriate accommodation would reduce the adverse effect.

Low

Where the applicant's current accommodation will have an impact on the applicant's health. Although not as significant as Overriding or Serious, the health condition can be alleviated by the provision of alternative accommodation.

7.3.7 Locality

This is applicable where an applicant needs to be in a particular locale to receive support, such as from their family. These are awarded at the discretion of the Council, who will give due weight to the level of support needed, the person giving it, and the level of hardship arising if the support is not forthcoming.

7.3.8 Lack of Facilities

These are awarded if the applicant lacks (for reasons other than disrepair) one or more of the following: bathroom, kitchen, hot water supply, internal toilet.

7.3.9 Sharing Facilities

These are awarded where the applicant shares one or more of the following: bathroom, kitchen, hot water supply and internal toilet, except where the necessity to share arises from disrepair to equivalent facilities of which the applicant has exclusive use.

The definition of a HMO (House in Multiple Occupation) for the purpose of this award is a matter of fact and degree, and includes, but is not necessarily limited to, all licensed HMOs. Award of these points is at the discretion of the Council.

7.3.10 Caravans

This is as stated in the summary. What constitutes a mobile home or caravan is a matter of fact and degree, and will be determined on case by case basis.

7.3.11 Homelessness

Homeless points are awarded where an applicant is:

- Placed in temporary accommodation pursuant to a duty under Part VII of the Housing Act (1996) (as amended by the Homelessness Act 2002) being either S.188 or S.193.
- Has been accepted as homeless (i.e. the full duty) under the homelessness legislation, but is currently accommodated elsewhere (e.g. 'homeless at home'), and where it is not considered appropriate to award homeless prevention points.
- Where such points are awarded to applicants placed in temporary accommodation pursuant to a duty under Part VII of the Housing Act (1996) they cannot receive points under:
 - 3 (Room deficiency),
 - 8 (Lack of facilities)
 - 9 (Shared facilities)

Until one year has elapsed from the award of homelessness points.

or

- 13 (Homelessness prevention) in any circumstances.

In the exceptional circumstances described in 8.10 of this policy (Borough wide emergency etc.) the Council retains the discretion to waive the requirement that one year should elapse prior to the award of points for room deficiency, overcrowding or shared facilities. The procedure to be followed by which this clause shall be triggered is the same as described in 8.10 (i.e. will require the agreement of the Director of Community Services in consultation with the Chairman of Community Services). Points award made in these circumstances will not, all other things being equal, be withdrawn once made,

An applicant in receipt of these points cannot be awarded or hold points as either 'threatened with homelessness' or homelessness prevented. Only one award of these points will be made at any one time.

7.3.12 Homelessness prevention

The Council may award points under this category to applicants who are threatened with homelessness at the discretion of the Council.

Participation in one (or more) of the Council's prevention programmes will entitle the applicant to homelessness prevention points, where homelessness is prevented for a minimum of 6 months.

However, where no such programme is appropriate for a given applicant, but they are, nevertheless, seeking to prevent their homelessness, they may, at the discretion of the Council be awarded these points in exceptional circumstances.

These points will only be awarded where the Council is satisfied that homelessness has been prevented for the requisite period. For the avoidance of doubt, this does not require the applicant to wait 6 months for the award, but the Council would need to be satisfied that the arrangements could reasonably and realistically be expected to meet the 6 months criteria.

In the event that the arrangements come to an end before 6 months has expired, the applicant will retain the award where:

- No homeless application is made (as there are other arrangements within the policy which would be triggered by such an application)
- the Council is satisfied that the original award was not made on the basis of false or misleading information (and the original award would not therefore have met the requisite criteria)

Only one award of these points will be made at any one time.

7.3.13 No Fixed Abode (NFA)

Applicants deemed to be NFA shall receive sharing (with non family) and room deficiency points, in addition to any other entitlements that they may be eligible for under the policy.

7.3.14 One bedroom priority

These points are as set out in the summary, and recognize the additional housing needs of the eligible groups (all other things being equal), compared with single applicants.

7.3.15 Transitional Time Points

Transitional points will only be awarded to those applicants who register up until 31.12.08, and represent weighting for the period of time the applicant has spent on the Housing Register prior to the inception of the new policy, and for the period prior to the introduction of 'Length of Application Points' from 1.1.09.

7.4 How Applications are Prioritised under the Points Scheme

Each application to the CHR is assessed by the Council, to determine and give an award of points against the various criteria set out in the points scheme.

Once assessed, applicants are ranked on the CHR according to their points total, on the appropriate bedroom size list or lists. Applicants with higher numbers of points are considered to have higher priority, and all other things being equal, will be made an offer ahead of an applicant with lower points.

Under the CBL Scheme only those applicants expressing an interest for (i.e. bidding for) a given property will be considered for that property (see 10.2).

There are a number of circumstances where the applicant, or in the case of CBL, the bidder, with the highest points will not be considered the highest priority for a given property. This occurs in the following circumstances:

- Offers outside the Points Scheme (8.1 - 8.15);
- Lettings Plan (10.1)
 - Ringfencing of properties to tenants
 - Homeless applicants residing in temporary accommodation (in certain circumstances);
- Choice Based Lettings (10.2), where only applicants bidding for properties are considered.

8 Moves Outside the Points Scheme

There are a number of circumstances where applicants will need to be moved urgently and/or as a matter of high priority, and so the points scheme needs to be disregarded in their case. These are:

8.1 Management Moves

Social rented tenants of a partner RSL requiring a management move on an emergency basis will receive one offer only of as close as possible to like for like. A management move may be agreed for one of the following reasons:

- Serious harassment of a tenant.
- Significant disrepair that cannot be reasonably rectified with the tenant in situ.
- To enable the RSL to manage their housing stock in circumstances where this could not reasonably be achieved without a move (e.g. to enable sale with vacant possession).
- Any other circumstance as agreed by both the RSL and the Council.

Cases will be agreed by a joint Council and partner RSL panel and will normally include corroborative evidence from the police (harassment) or other relevant professionals (other). Approvals for such a move will be reviewed after three months if no offer is made. Cases in other social housing or other tenures will be dealt with under homelessness/prevention procedures.

Like for like means an applicant will be offered a property of the same size, floor level and type as the one they are leaving. In terms of floor level, ground floor or a floor lower than that currently occupied will only be agreed where a specific need for this type of accommodation has been established. If the applicant is close to the top of the transfer list and needs larger accommodation, appropriate size housing may be offered, unless this is likely to delay an offer being made significantly (for example moving to four bedroom from three bedroom accommodation).

Under this arrangement applicants will generally be made a direct offer, and whilst consideration will be given to applicants' area preferences, no guarantee can be made.

8.2 Under-occupation

Social Housing tenants giving up at least one bedroom can be offered a move under this heading. Offers may be up to one bedroom more than required. The relevant landlord will be consulted to decide if arrears should be a bar to such a move. The Council and BHA currently pay removal expenses in approved cases. Applications from households residing in separate socially rented dwellings but wish to reside together may be considered under this clause, but only where the total number of bedrooms occupied in the 2 dwellings exceed the households entitlement under the scheme. i.e. the number of bedrooms being given up exceed the number that would be occupied.

8.3 National Witness Mobility Scheme/Multi-Agency Protection Panel cases

Very occasionally, the Council is asked by these bodies to house applicants urgently, in order to protect them or to enable the police to supervise them properly. Each case will be considered on its own merits, although the Council will have regard to the volume of applications of this sort.

Under this arrangement applicants will generally be made a direct offer, and whilst consideration will be given to applicants' area preferences, no guarantee can be made.

8.4 Temporary Accommodation

Nominations of accepted homeless households to temporary self-contained tenancies in permanent (or other) RSL stock.

8.5 Ex-service Personnel

Service personnel who enlisted from an address in the Borough and who have completed their term of permanent service of three years or more, will be considered for an offer of accommodation. The applicant must notify the Housing Needs Section of their official discharge date in advance. This scheme only applies where the applicant has been honourably discharged. One offer of accommodation will be made as near to the discharge date as possible. If accommodation is not available by the discharge date, the Council will consider whether it has any responsibilities to provide temporary accommodation under the homeless legislation. If not, the applicant will need to make their own arrangements until the offer is available.

8.6 Staff re-housing

The Council will make one offer of a suitable property to Council and BHA staff who meet the criteria set out in the terms and conditions of their employment.

8.7 Returning from Institution

Where a social housing tenant gives up a tenancy before going into an institution (normally prison), and there are no arrears, ASB etc., one offer of like for like property will be made.

Under this arrangement applicants will generally be made a direct offer, and whilst consideration will be given to applicants' area preferences, no guarantee can be made.

8.8 Care Leavers

The Council will consider applications from people who are currently placed in the care of HCC (Hertfordshire County Council) or in a foster placement arranged by HCC. If the applicant is currently residing within the Borough of Broxbourne, or if they were resident in Broxbourne prior to going into care, and wish to return here, they may register. When local connection is established, care leavers will be offered a Foyer place in the first instance and re-housed out of it when ready in the usual way. They will require a guarantor if they are under 18. Prior to a placement being offered the Council will require details in writing of a Care Plan and/or Support Package.

8.9 Specialist Accommodation

Moving from specialist housing accommodation to general needs - move on from supported accommodation will be outside the points scheme to ensure schemes are not silted up and to protect vulnerable clients. The schemes this covers are currently:

- Springboard H.A. properties e.g. Eleanor Cross Road, Brampton Close
- Cadmore Lane Supported Housing Project

A manager's approval is required in each case. Access to these schemes will still be via Housing Needs, but acceptance as homeless is no longer necessary. Families will be given correct size accommodation.

This scheme does not apply to Isabella House.

8.10 Borough Emergency/Homelessness

It is intended that this policy affords homeless applicants to whom the Council has accepted a duty under the scheme

In certain circumstances the Council may make direct offers to Homeless households outside the points scheme. This will occur where:

- There are exceptional circumstances such as a local emergency or major incident resulting in the displacement of significant numbers of households.
- Where there is a significant upswing in local homelessness levels, resulting in unacceptable pressures on the supply of temporary accommodation, and where it is deemed in the public interest to prioritize homeless households in this way,

This arrangement will only be triggered by the Director of Community Services in consultation with the Chairman of Community Services who shall determine the:

- Property types to be allocated under the policy;
- The percentage of properties to be allocated in this way as a proportion of all lettings;
- The period of time in which this policy shall be invoked.

This policy shall only be operational for a period of four months maximum, unless extended by the Community Services Committee.

8.11 Local Lettings Schemes

In some cases the Council may operate a local lettings policy in line with S167 (2E) of the Housing Act (1996) enabling housing authorities to allocate accommodation to people of a particular description whether or not they fall within the reasonable preference categories. An example of where this scheme would apply would be to keep child density low on estates, especially on new build developments.

8.12 Persons Requiring Disabled Adapted Properties

Vacant properties which are adapted or which are suitable for adaptation or which are potentially suitable for applicants with a substantial disability or other special needs may be allocated outside strict points order.

An allocation may also be made outside points order in the case of a RSL tenant who is willing to transfer from a property which s/he does not require and which is particularly suitable for an applicant with special needs.

8.13 Hard to Let Properties

Where a property is deemed 'hard to let', it may be offered directly to any applicant who, in the view of the Council, may be interested in it. Generally properties will only be deemed hard to let once no interest has been expressed in at least two consecutive bidding rounds under the CBL scheme.

8.14 Overriding Medical

At the discretion of the Council, resident applicants in receipt of this award may be entitled to move outside the points scheme where appropriate. (See 7.3.6)

9 Entitlements

9.1 Size of Property Offered

Bedsit	Single person
1 bedroom	Single person Single person with access to children (who are under the age of 17) Couple Pregnant woman
2 bedroom	Couple or single parent with: one child two children of the same sex 16 or under Couple or single person where there is a medical recommendation for a further bedroom
3 bedroom	Couple or single parent with: Two or more children of the opposite sex Two children of the same sex where one is 17 or over 2 bed household where there is a medical recommendation for a further bedroom
4 bedroom	Couple or single parent with: Five children Four children where three are of the same sex 3 bed household where there is a medical recommendation for a further bedroom
5 bedroom	Couple or single parent with six or more children

Social housing tenants moving from larger accommodation to smaller will be allowed up to one bedroom more than they need.

10 Matching Properties and Applicants

10.1 Common Housing Register – Lettings Plan

Lettings Plan – Tenants and Applicants

The Council operates a Common Housing Register in conjunction with RSL partners. Under these arrangements, all of the partners have agreed to make available all of their void properties to applicants on the CHR.

All RSL tenants resident in the Borough wishing to move should register on the CHR, and they will be pointed in accordance with this policy.

Applicants and tenants may bid for all properties advertised under the CBL Scheme, unless otherwise indicated. However, under the CHR, it is intended that tenants will receive 25% of all lettings.

In order to do this, in up to 25% of all lettings tenant bidders will receive priority over all other bidders. This is known as ring fencing. Non tenants may bid for such properties, but their bid will be prioritised below all tenant bidders regardless of their respective points total.

Therefore, only in the event that no tenants bid for a ring fenced property, or do not subsequently accept a property will the bid of an applicant be considered in these cases.

Where properties are ringfenced to tenants this will be clearly indicated in the advertisement under the CBL Scheme.

In all other cases applicants and tenants are treated equally, all other things being equal.

The precise number of properties that will be ringfenced is not known, as the number of lettings to tenants achieved through non-ringfencing will need to be monitored, and such lettings form part of the overall 25% in the Letting Plan.

All other lettings either outside of the points scheme and/or by direct letting will be counted for the purpose of the Lettings Plan.

The overall outcome therefore should be 75% lettings to applicants and 25% to tenants.

In order to qualify for the ringfence, the landlord of the RSL tenant must be a participant in the CHR. Currently these are:

Aldwyck Housing Association
Broxbourne Housing Association
Metropolitan Housing Trust
Paradigm Housing Association

Only tenants who have residence points qualify for the ringfence.

Tenants of other RSLs and Local Authority tenants may bid for non-ringfenced properties, and will be treated alongside all other applicants.

The rationale for this is that the participant RSLs have agreed to give up the 25% of nominations of their own dwellings that they are entitled to under existing nomination agreements and placed them in the CHR, for allocation by the Council. In return the Council has agreed to comply with existing nomination agreements by guaranteeing that 25% of all nominations will go to tenants via the ringfence.

Lettings Plan: Property Types and Areas

It is the intention of the Lettings Plan that, all things being equal, the type and location of dwellings should be split so as to reflect the overall intentions of the Plan. This means that 75% of a given property type, in a given location will be open to all bidders and 25% will be ringfenced (or will otherwise be let to tenants). This includes 1 bedroom properties

The exception to this is that the Council has agreed that 66% of **all** houses available for letting will be ringfenced for tenants. However, this will be subject to periodic review.

Generally speaking statutory homeless applicants will not be allocated houses, except where there are exceptional circumstances that make it appropriate to do so.

Lettings Plan: Statutory Homeless Cases

Homeless Applicants are entitled to bid in exactly the same way as all others under this policy, and they receive a level of points reflecting the need to give them reasonable priority under the legislation.

However, this policy allows, where circumstances deem it necessary, the revision of this lettings plan, so as to ensure that homeless households continue to receive reasonable preference under the scheme. Details of this are set out elsewhere in the document. Such a revision to the plan can only be made by the Director of Community Services in consultation with the Chairman of Community Services, and for a limited period only.

Lettings Plan: Households in work

As part of the Authorities policy to support households in employment, the Council has agreed that up to 5% of lettings will be ringfenced for resident (i.e. resident for the purpose of this policy) households in employment. This will form part of a local lettings plan and will be advertised as such under the CBL Scheme. Applicants bidding successfully under this clause will be required to provide evidence of current employment in order for the nomination to go forward.

Employment means any paid employment (declared for tax and other purposes) that the applicant(s) is/are undertaking at the time that the property is advertised or otherwise available for letting under this clause

10.2 Choice Based Lettings

A key aim of the Homelessness Act (2002) was to facilitate the introduction of allocations schemes that offer applicants a more active role in choosing their accommodation. As a specific requirement of the 2002 Act, local authorities must include in their scheme a statement of their policy on offering applicants a choice of accommodation or the opportunity to express preferences about the housing to be allocated to them.

Details of the scheme can be found in the scheme guide found at www.Homeoption.org "Scheme User Guide"

10.3 Direct Offers of Accommodation

A small minority of properties will be excluded from CBL and are instead allocated by making direct offers to selected applicants. The circumstances in which a direct let may be made include, but are not limited to:

- Where a property is uniquely or unusually suitable for a particular applicant or type of applicant. This is primarily properties adapted for the disabled, although other considerations may be applied.
- Statutory homeless households or other vulnerable applicants who are unwilling or unable to engage with CBL where it is deemed that they have sufficient priority to be successful under the scheme, and for whom a move would be desirable.
- Applicants with high medical/welfare needs (e.g. terminally ill persons) where a direct offer is considered the most appropriate way of meeting their needs.
- Moves arising from personal safety issues such as Management moves, National Witness Mobility Cases.
- Applicants who have given up tenancies and are returning from an institution.

10.4 Number of Offers

Unless otherwise stated as an exception applicants will be entitled to two offers under the scheme. If the applicant refuses an offer, this will count as a refusal, if the Council deems the offer to have been reasonable. Refusal of two offers will lead to a two year deferral, unless the application is for sheltered housing (see 4 above). Bids made under the CBL Scheme do not commit the applicant to taking that property. However, should they accept the property and subsequently change their mind, this will constitute a refusal.

10.5 Statutory Homeless Households

Homeless households in temporary accommodation will be made *one* offer under the scheme.

This offer can be through the CBL Scheme or by direct offer. However, where an applicant opts not to bid for a property via CBL that the Council regards as suitable, the Council reserves the right to bid on behalf of that applicant, and in the event that such a bid be

successful, this would constitute an offer for the purpose of this clause of the allocations scheme.

Where a statutorily homeless applicant refuses a reasonable offer (however such an offer is arrived at), the Council will (all other things being equal) discharge its homelessness duty if the property is held to be suitable for the applicant's needs. In these circumstances the right to occupy temporary accommodation will be brought to an end.

10.6 Type of Offers

Offers are made by the landlord RSL, not the Council. Offers will usually be in the form of an Assured tenancy, unless there is a specific reason why this would not be appropriate. If the property is not to be let on this basis, this will be made clear at the offer stage.

10.7 Circumstances Under Which Offers Will Not Be Made

Offers will not be made to applicants whose applications are:

- Deferred
- Provisional
- Under Offer
- Offer Accepted
- Cancelled
- Barred
- Leave until Approached

10.8 Bypassing Applications

The council may also bypass 'Live' applications in the following circumstances:

- A sensitive allocation is necessary or a local lettings policy is in operation, for example where sheltered or OAP designated blocks are being de-designated.
- A property is purpose built or significantly adapted for a person with a disability.
- The property is on the ground floor, in order to ensure it is occupied by someone who needs it, for example on medical grounds.
- An applicant has a special requirement.
- An applicant has pets and the property being allocated is not suitable for certain pets or pets are not permitted.
- A nomination to a registered social landlord would not meet the rules of that landlord concerning income, household size, pet ownership etc.
- The applicant is a tenant of a RSL and the RSL has informed the Council that they have breached their tenancy, and are not eligible to be made an offer. This includes

rent arrears, anti-social behaviour or because the property is in a poor state due to neglect or damage that is the responsibility of the tenant.

- The council is satisfied that an applicant, or member of an applicant's household included in their application, is guilty of unacceptable behaviour, which is serious enough to make him or her unsuitable to be a tenant.
- The council is satisfied that the offer of a particular property would not be in the public interest having regard to community safety and cohesion.
- An applicant qualifies under a local lettings plan

10.9 Withdrawal of Offers

The council may withdraw an offer in the following circumstances:

- The property is not suitable for the applicant's needs.
- The council has decided that the applicant is not entitled to the offer.
- The applicant is a tenant of a RSL and their current property is in a poor condition.
- The applicant has not responded to an offer within five days of the offer being made, unless the allocating officer has agreed a longer period.

If an offer is withdrawn the Council will tell the applicant the reason why in writing and will ask the applicant to contact the Council immediately. If no contact is made within a reasonable period the Council will cancel the application.

10.10 Refusals

Where an applicant refuses an offer, it will count as one of their two offers unless one of the following circumstances prevails:

- The size of the property is not suitable in accordance with the policy.
- The applicant has significant medical needs that render the property unsuitable. The Council will expect a satisfactory explanation as to why this information was not given to the Council before the offer was made.
- The offer is in an area where the applicant is at significant risk of violence or harassment or another very significant risk, and there was a strong reason why the Council was not informed previously as to why the area was not safe.
- The acceptance of a property can be shown to cause financial hardship.

In exceptional circumstances the Director of Community Services may exercise discretion to make a further offer.

10.11 Table of Offers

The table below is a summary of the offer and priority path for the key groups of applicants. It is intended as guidance only

	Choice Based Lettings	Direct Offer
Points Scheme	<p>All Live Applicants unless specifically stated otherwise</p> <p>Local Lettings Schemes</p>	<p>Persons being allocated homes with significant adaptations which meet their needs</p> <p>Statutory homeless households unwilling/unable to engage with CBL</p> <p>Persons with high medical/welfare needs not able/willing to participate in CBL</p>
Outside Points Scheme	<p>Under occupiers</p> <p>Ex –service personnel</p> <p>Staff re-housing (where agreed under the policy)</p> <p>Care leavers</p> <p>Move-on from specialist Schemes</p> <p>Overriding Medical (where appropriate)</p>	<p>Management Moves (always)</p> <p>National Witness Mobility Scheme (probable)</p> <p>Temporary accommodation including non secure tenancies under homelessness duties (always)</p> <p>Returning from Institution (always)</p> <p>Emergency situation/Homeless households under revised lettings plan (partially outside the scheme)</p> <p>Homes deemed <i>hard to let</i> (where there is no identified demand through CBL)</p>

11 Accommodation Designated for Older People

Housing associations have some exclusive properties which are available for residents aged 60 or over. In exceptional circumstances allocations may be made to an applicant who is younger if for example, they have particular medical problems or there are no suitable applicants aged 60 or over on the waiting list.

11.1 Retirement Housing (OAP De-Designated Properties)

These properties comprise bungalows, studio apartments and flats throughout the Borough. They are usually connected to the 24-hour emergency alarm service should the tenant need assistance.

11.2 Retirement Housing with Support

Retirement housing with support comprises bungalows, studio apartments and flats within a self contained 'scheme'. Each flat in the scheme is linked to a 24-hour emergency alarm service should the tenant need help. The scheme also has an experienced support worker who provides appropriate housing support to tenants, encourages social activities and looks after the buildings and grounds. They do not offer assistance with shopping, cleaning, cooking or personal care (if the tenant needs support with these, please see 'extra care' below). The scheme also has additional social and domestic facilities, such as a communal lounge and garden.

Applicants will be assessed by a member of the retirement housing team for the support they require depending on the level of need and whether they are eligible for retirement housing with support.

Applicants who indicate a preference for this type of accommodation will be assessed by a member of the retirement housing team to ensure they are eligible.

11.3 Retirement Housing with Extra Care

In addition, Broxbourne Housing Association operates two schemes for elderly people with further support needs – this is known as extra care housing. Extra care housing provides extra support whilst enabling tenants to live as independently as possible and retain their own tenancy. This is for older people who are physically or mentally frail and need extra help to manage, but who are not in need of a residential care home or hospitalisation. Within extra care schemes, cooked meals and some personal care are provided and there is on-site assistance 24 hours a day.

To access extra care housing the applicant must meet the criteria for 'housing related support'. Applicants will be assessed by Adult Care Services with the Retirement Housing Manager.

11.4 OAP De-Designated Properties

Some blocks of accommodation that were originally designated for the elderly have been de-designated. This means the properties are allocated to applicants with general needs, however, in some circumstances these properties will be let sensitively and to applicants aged 40+.

12 Reviews and Complaints

12.1 Review Procedure

Under the Housing Act 1996, an applicant has the specific right to request a review of the following decisions affecting their application:

- Not having been included on the Housing Register;
- Removal from the Register other than at the applicant's request;
- The applicant considers that they have not been awarded the correct points;
- The reasonableness of any offer made;
- The status of an application.

If an applicant disagrees with any other decision on their application or feels that their application has been assessed unfairly, they should follow the Council's complaints procedure. Details of the procedure are available on the Council's website www.broxbourne.gov.uk, or in the leaflet 'How to comment on the Council and its Services', which is available from the Council offices and One Stop Shops.

12.2 Changes To The Allocation Scheme

Where the Council is adopting a major policy change which affects the Housing Register it will notify everyone concerned who is registered and will carry out such consultation as is reasonable.