



**DECISION OF: COUNCILLOR ELFAN AP REES
THE EXECUTIVE MEMBER FOR STRATEGIC PLANNING,
HIGHWAYS, ECONOMIC DEVELOPMENT AND HOUSING**

**WITH ADVICE FROM: SHEILA SMITH, DIRECTOR
DIRECTORATE: PEOPLE AND COMMUNITIES**

DECISION NO: P&C 13 (2017/18 Scheme)

SUBJECT: HomeChoice Policy Amendments

KEY DECISION: YES

BACKGROUND:

The HomeChoice North Somerset Lettings and Assessment Policy is the vehicle that the Council and its partners use to allocate social housing in the district. The policy was reviewed in 2012 following the enactment of the Localism Act 2012 and was agreed by the Executive in April 2013.

A number of revisions are now proposed. The main changes are summarised below, full details of all the proposed changes are set out in appendix 4 and the revised policy is set out at appendix 5.

A. Eligibility of Gypsy and Traveller households to apply for pitches¹

In 2016 the Council consented to a Court Order in which it undertook to

- (a) Review the application of the HomeChoice local connection criterion to Gypsies and Travellers on eligibility to join the housing register; and
- (b) In undertaking the review to take into account section 149 of the Equality Act 2010

The review has now been completed and a number of changes are recommended as summarised below and detailed in appendix 4.

In summary under the current policy to qualify to be included on the Housing Register an applicant must:

¹ Permanent pitches to house their caravan/s

- 1) Have, by choice, lived in North Somerset for the three consecutive years preceding the date the application is made or reviewed; or
- 2) Have, by choice, previously lived in North Somerset for ten consecutive years no more than five years prior to the date the application is made or reviewed; or
- 3) Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed

It is recognised that Gypsies and Travellers live a more nomadic lifestyle compared to members of the settled population. To ensure that the HomeChoice policy reflects this cultural difference whilst still prioritising those Gypsy and Travellers that live locally it is proposed to reduce the local connection residency criteria for Gypsy and Travellers applying for a pitch to:-

- have lived in North Somerset two out of the last three consecutive years prior to application, or
- have previously lived in NS for seven out of ten consecutive years, no more than five years prior to application.

In addition it is also proposed to also establish a clearer process for administering the exceptional circumstance clause in the policy including for those applicants who do not satisfy the qualification criteria. This will enable those Gypsy and Traveller applicants who have an exceptional reason to live in North Somerset but do not meet the local connection or other qualifying criteria to be placed on the register.

In putting forward these proposed policy changes a number of options were considered and were the subject to consultation. An appraisal of each of the options considered is set out in appendix 1.

Consideration was also given to extending the proposed changes to the local connection criteria set out above to the circumstances where a gypsy or traveller wished to apply for 'bricks and mortar' accommodation through HomeChoice. It is not proposed to extend this change as Gypsies and Travellers wishing to live in 'bricks and mortar' accommodation are able to establish a local connection by renting a home in the private rented sector (as are other people can who do not have a connection to North Somerset) whereas few opportunities exist to rent a pitch privately. The proposed exceptional circumstances process will however also enable those Gypsy and Travellers applicants who wish to apply for 'bricks and mortar' accommodation and who have an exceptional reason to live in North Somerset but do not meet the local connection or other qualifying criteria to be placed on the register.

B. Revised banding for some homeless applicants

The current policy places all applicants who are homeless/threatened with homelessness and owed a duty (accepted) by NSC in Band B. This changes to Band A once the accepted household has been resident in designated temporary accommodation for three months or more. Where a homeless applicant has rent arrears or proven anti-social behaviour (ASB) they may find that whilst they are the highest priority 'bidder' for a

property the Registered Provider (RP) refuses to offer them a tenancy due to their outstanding arrears or ASB.

In light of this we have explored options for reducing the banding for those homeless applicants likely to be refused a tenancy by a RP. The options were the subject of the consultation undertaken with stakeholders and an appraisal of each of the options considered is set out in appendix 2.

The policy aim of reducing banding in these circumstances is to encourage prospective tenants to take seriously their responsibilities as a tenant, including: to pay rent/service charges; to keep the property in good repair and not to cause ASB.

It is proposed to reduce the priority of those applicants who would ordinarily be excluded or suspended from the register under paragraphs 2.3.4, 2.3.5 or 2.3.6 (perpetrators of anti-social behaviour, Hate Crime or Domestic Violence, have rent arrears or other rechargeable debts), but fall into one of the homelessness qualifying groups defined in paragraph 2.2.3 (approved homeless or who are working with North Somerset Council to prevent their homelessness) to Band D. These applicants will be offered support to assist in addressing any issues and will have regular reviews. Following reviews applications may be reinstated to the assessed banding level.

This approach will also avoid raising their hopes of obtaining a tenancy through the HomeChoice system and bring our policy more into line with our RP partners. It is proposed that each case will be considered individually and in certain circumstances the banding priority of applicants will not be reduced. Examples include, but are not limited to:

- The applicant has been a victim of Domestic Violence
- The debt arose due to the applicant's vulnerability and there is now support in place to prevent further debt.
- The customer was unable to pay due to circumstances other than deliberate non-payment.

C. Other Changes

A number of smaller policy changes are also proposed. These are detailed in appendix 4 and a summary of the main changes is set out below

i. Overcrowded Gypsy and Traveller/Mobile Home Pitch (paragraph 3.4.7 of the HomeChoice policy)

An applicant currently residing on a Gypsy and Traveller/Mobile Home pitch where the pitch is overcrowded and they wish to move to another pitch is currently classified as Band A. It is proposed to reduce this banding to Band B bringing it in line with the current maximum HomeChoice banding for statutory overcrowding in 'bricks and mortar' accommodation (not pitches) ensuring fairness for all applicants in this situation.

It is proposed that it will fall under a 'Serious hazards', category - where an applicant's home is dangerous due to a Housing Act 2004 Category 1 hazard existing, and where there is no prospect of the hazard being remedied. The council's Private Rented Housing

Service (PRHS) must confirm the presence of the hazard and that it would be more appropriate for the applicant to be re-housed. This would include verification from the PRHS that a Gypsy and Traveller/Mobile Home pitch is overcrowded and that the applicants require a move to a larger pitch.

ii. HomeChoice Qualification - Financial Resources (paragraph 2.3.2 of the HomeChoice policy)

The eligibility criteria for applicants wishing to join the HomeChoice register include income and savings thresholds. The current policy excludes from the HomeChoice register: single applicants with combined income and savings over £25,000; couples without dependants with combined income and savings over £30,000 and applicants with dependants with combined income and savings over £35,000. This exclusion does not apply to those applicants wishing to apply for a Gypsy and Traveller pitch. These thresholds have not been increased for a number of years and it is proposed to increase each threshold by £5,000.

iii HomeChoice Qualification – Rent Arrears/Council Tax Debts (paragraphs 2.36 of the HomeChoice policy)

Applicants who owe a RP landlord or council over £200 in rent arrears or other rechargeable charges are excluded from the HomeChoice register until the arrears reduce in line with the policy. It is proposed that the policy is revised to also include monies owed to a private landlord with the same £200 threshold. This is because there has been an increase in the number of applicants who despite being the highest priority 'bidder' are refused the offer of a tenancy by a RP due to owing money to private landlord.

iv Rough Sleeper and Other Homeless Assessments (Appendix D HomeChoice Policy)

It is proposed that the policy is amended by adding an additional group of applicants to this appendix to clarify the position regarding homeless people who have a duty owed to them by another local authority (LA). It is proposed that households owed a homeless duty by any other LA under the Housing Act 1996 Part 7 s.188, s.190, s.198 or s.193, will be regarded as non-qualifying persons regardless of whether they have been placed in North Somerset or not. This is because the other LA retains the responsibility for housing whether under s193, Housing Act 1996 or any other duty by which the other LA retains responsibility for their accommodation. Households placed in the NSC area under a homeless duty by another LA who have been placed under that duty for more than five years will be allowed to qualify.

v. Refusals of suitable accommodation (paragraph 5.6 of the HomeChoice policy)

Currently applicants who refuse three suitable offers of accommodation may have their application cancelled for a period of 12 months. Due to the high number of refusals impacting on letting times it is proposed to revise this approach. This is to ensure

applicants are serious about the properties they place bids on and to reduce delays in the allocation of a properties.

It is proposed to reduce the priority for applicants who have refused one offer of suitable accommodation by one band for six months. Applicants who are in Band D and have refused one offer of suitable accommodation will no longer qualify to be registered for a period of six months. Applicants who have refused two offers of accommodation would no longer qualify to be registered for a period of 12 months.

It is also proposed that those households accepted as statutory homeless and owed a duty to be housed; or who have been granted homeless status under section 166A (3) (a) (people who are homeless within the meaning of part VII of the Housing Act 1996) will lose their priority status banding homeless award if they refuse a suitable offer of accommodation unless they have another reason to be awarded priority banding. The offer of suitable accommodation made will also bring to an end any statutory homeless duty to any of these applicants under section 193(2) or 195(2) Housing Act 1996 and they will be warned of this consequence at the point the property is formally offered to them.

If an applicant does not reply to an offer within two working days of receiving the offer it is proposed that the offer will be deemed to have been refused and the property will be offered to the next applicant on the register who qualifies for that offer.

vi. Medical Assessments (Appendix B of the HomeChoice Policy)

It is proposed to clarify in the policy that the HomeChoice medical bandings of applicants will be reviewed annually on the date of the application renewal to ensure the banding priority remains correct.

vii. Welfare Assessments (Appendix C of the HomeChoice Policy)

It is proposed to add the following to the appendix which sets out how welfare needs will be assessed and prioritised "There is an expectation that applicants who are awarded 'Band A – welfare' place regular appropriate bids. All welfare applications are reviewed every four months and could result in the removal of welfare banding. Reasons for welfare banding being removed can be for example an applicant not placing regular bids or the reason welfare banding had been given is no longer relevant." This is to ensure that banding priority reflects applicant's current circumstances

DECISION: To agree to adopt the revised HomeChoice Lettings and Assessment Policy as set out in appendix 5.

REASONS: As set out above.

OPTIONS CONSIDERED:

An appraisal of the options considered in relation to the proposed changes relating to eligibility of Gypsy and Traveller households to apply for pitches and revised banding for some homeless applicants is set out in appendices 1 and 2.

Most of the minor policy changes covered in section C above were proposed to either ensure that applicant's hopes of obtaining a tenancy are not falsely raised where their behaviour is not consistent with RP allocation policies or to ensure the award of banding priority is fair and consistent for all applicants. An alternative would not be to make these policy changes and the implications of this are set out below:

Overcrowded Gypsy and Traveller/Mobile Home Pitch - The impact of not making this change would be that applicants living on an overcrowded pitch would continue to be banded more favourably than applicants living in an overcrowded home.

HomeChoice Qualification - Financial Resources – Not increasing financial resource thresholds for applications would mean that applicants whose incomes over the last five years have increased in line with inflation and the cost of living would continue to be excluded from the register.

HomeChoice Qualification – Rent Arrears/Council Tax Debts - The consequence of not making this change would be that applicant's expectations of being offered a property by a partner RP would continue to be falsely raised where their behaviour is not consistent with RP allocation policies.

Rough Sleeper and Other Homeless Assessments - Not adding this to the Homechoice policy would mean that the council would fail to clarify the position for those applicants owed a homelessness duty by a different local authority.

Refusals of suitable accommodation – Not making this change would mean that applicants could continue to place bids on properties they are not serious about and then decline the offer of accommodation with no penalty to their application and consequential continuing delays in the allocation of property.

Medical Assessments & Welfare Assessments – not making this change would mean that some applicants banding priority would not reflect their current circumstances.

FINANCIAL IMPLICATIONS:

The minor ICT system changes necessary to implement the proposed changes can be cost effectively carried out alongside other necessary changes. The cost of implementing changes will be resourced from within the approved service budget. Once the necessary system and process changes have been made the policy changes will be implemented and applied to existing and new applicants.

LEGAL POWERS AND IMPLICATIONS:

The Local Authority under part 6 of the Housing Act 1996 has a legal duty to have an allocations scheme for social housing in its area and it must give an element of priority to applicants who meet any of the reasonable preference categories set out within the Act. The proposed changes meet the requirements of the Act

In 2016 the Council consented to a Court Order in which it agreed to:

- (a) Review the application of the HomeChoice local connection criterion to Gypsies and Travellers on eligibility to join the housing register; and
- (b) In undertaking the review to take into account section 149 of the Equality Act 2010

The review that has been undertaken meets the requirements of the Court Order.

CONSULTATION

Consultation on the proposed changes was undertaken through the council's e-consult system using the 'Have Your Say' webpage for a period of six weeks in April and May 2017 and a further period of six weeks in July and August. A number of key stakeholders were informed about the consultation, including our partner registered providers, support services including CAB and Gypsy and Traveller specific agencies (Elim and the Ethnic Minority and Traveller Achievement Service). The consultation included a questionnaire and full details of the proposed changes including the option appraisal set out in appendices 1 and 2.

We received 49 responses using the on-line questionnaire and two via email. Also Elim completed 10 face to face interviews with some local Gypsy and Travellers. Overall the feedback received was supportive of the proposed changes. Details of the consultation undertaken and the responses is attached at the end of Appendix 3.

The Head of Housing and Strategy and the Homechoice Team Manager met with the Adult Services and Housing Policy and Scrutiny Panels Housing Steering Group to explain and discuss the policy changes and rationales underpinning the final proposals. The group recommended that that the proposals be implemented.

RISK MANAGEMENT

These changes may have unforeseen negative or positive impacts. This is considered low risk in the light of the consultation undertaken, the Equality Impact Assessment and the mitigating actions set out (see appendix 3). Monitoring of key changes will also be undertaken and the EIA will be reviewed.

EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? - Yes

The Equalities Impact Assessment for these policy changes is set out at appendix 3.

CORPORATE IMPLICATIONS

None

BACKGROUND PAPERS

Consultation Document - <http://consult.n-somerset.gov.uk/consult.ti/homechoicenslaap/consultationHome>

SIGNATORIES:

DECISION MAKER(S):

Signed: 
Councillor Eifan Ap Rees

Executive Member for Strategic Planning, Highways,
Economic Development and Housing

Date: 16/11/17

WITH ADVICE FROM:

Signed: 
Sheila Smith
Director of People and Communities

Date: 16.11.17

List of Appendices

- Appendix 1 Gypsy and Traveller Options Appraisal
- Appendix 2 Homeless Applicant Options Appraisal
- Appendix 3 Equalities Impact Assessment and Consultation Feedback
- Appendix 4 Revised HomeChoice Lettings and Assessment Policy – showing details of changes
- Appendix 5 Revised HomeChoice Lettings and Assessment Policy

Appendix 1

Eligibility of Gypsy and Traveller households to apply for pitches

Preferred Proposed Policy Changes	Rational & Implications
<p>To reduce the local connection residency criteria for Gypsy and Travellers applying for a pitch to:-</p> <ul style="list-style-type: none"> - have lived in North Somerset for two out of the last three consecutive years prior to application, or - have previously lived in NS for seven out of ten consecutive years, no more than five years prior to application. <p>And retain the existing work related connection: Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed</p> <p>To also establish a clearer process for administering the exceptional circumstance clause in the policy for those applicants who do not satisfy the qualifying criteria (See attached appendix 4). This will enable HomeChoice to assess any applicant's case where exceptional circumstances may justify waiving a qualification rule.</p>	<p>A reduction of the residency test reflects the applicant group's nomadic lifestyle whilst balancing this with the needs of Gypsy & Travellers (G & T's) who have a local connection to North Somerset under the current policy.</p> <p>The exceptional circumstances clause and process will enable those G&T applicants who have an exceptional reason to live in North Somerset but do not meet the local connection or other qualifying criteria to be placed on the register.</p> <p>There could be more applicants on the register in need of a pitch which will increase the waiting time for a pitch.</p>

Appraisal of other options considered.

Option 1	Rational and Implications
<p>To allow Gypsies and Travellers seeking a pitch who do not have a local connection but meet the requirements of the reasonable preference criteria to join the register by waiving the local connection rule. In these circumstances the applicant could be awarded the lowest priority (Band D) for housing - meaning poor prospects of receiving an offer of a pitch - or a Banding according to their circumstances.</p>	<p>A Gypsy and Traveller household seeking a pitch who is in need under the definition of reasonable preference would not need to demonstrate a local connection.</p> <p>Implementing this option and awarding Band D is not our preferred option because it may give applicants granted a local connection in these circumstances false hope of obtaining pitch as whilst the application would be included on the register the priority awarded would be low.</p> <p>Implementing this option and awarding a Banding according to the applicant's circumstances is likely to result in more Gypsy and Traveller applicants who do not have a local connection to North Somerset being included on the register and potentially being allocated a pitch. This is likely to disappoint Gypsies and Travellers who have a local</p>

	connection under the current policy as it would result in these applicants having to wait longer to receive an offer of a pitch
Option 2	Rational and Implications
To just establish a clearer process for administering the exceptional circumstance clause in the policy for those applicants who do not satisfy the qualification criteria (See attached appendix 4). This will enable HomeChoice to assess any applicant's case where exceptional circumstances may justify waiving a qualification rule.	<p>The exceptional circumstances clause and process will enable those Gypsy and Traveller applicants who have an exceptional reason to live in North Somerset but do not meet the local connection or other qualifying criteria to be placed on the register.</p> <p>There could be more applicants on the register in need of a pitch which will increase the waiting time.</p> <p>This option is not the preferred option due to it needing to be applied solely on a case by case basis without a clear framework which could result in the system being perceived as unfair.</p>
Option 3	Rational and Implications
<p>To continue using the current HomeChoice Local Connection Criteria for pitch applications:</p> <p>'Have, by choice, lived in North Somerset for the three consecutive years preceding the date the application is made or reviewed; or</p> <p>Have, by choice, previously lived in North Somerset for ten consecutive years no more than five years prior to the date the application is made or reviewed; or</p> <p>Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed'</p>	<p>Most applicants who have historically applied for a pitch have met the qualification criteria however current criteria might be deterring potential applicants from applying to Homechoice for a pitch.</p> <p>This option is not the preferred option because the current local connection policy does not give any specific acknowledgement of this applicant group's nomadic lifestyle.</p>

Appendix 2

Revised banding for some homeless applicants

Preferred Proposed Policy Changes	Rationale & Implications
<p>To reduce the priority of those applicants who would ordinarily be excluded or suspended from the register under paragraphs 2.3.4, 2.3.5 or 2.3.6 (perpetrators of anti-social behaviour, Hate Crime or Domestic Violence, have rent arrears or other rechargeable debts), but are approved homeless or who are working with North Somerset Council to prevent their homelessness (as defined in paragraph 2.2.3).</p> <p>In terms of reduced priority we mean homeless applicants with proven anti-social behaviour, perpetrators of hate crime or domestic violence and/or rent arrears or other rechargeable debt of more than £200.00.</p> <p>These applicants will be offered support to assist in addressing any issues and the banding will be regularly reviewed and applications may be reinstated to the assessed level. Banding will also be reinstated to the assessed level when rent arrears are less than £200.00. The banding will be increased to band B or band A if they have been living in temporary accommodation for longer than 3 months.</p>	<p>Ensures those priority applicants who are tenancy ready are housed.</p> <p>Those applicants who have poor prospects of being housed through HomeChoice are offered support to become tenancy ready. This policy change will help to ensure tenancy sustainment and help avoid applicants being refused a tenancy by a Registered Provider.</p> <p>North Somerset recognise initially it could place some homeless people at a disadvantage of being housed until they are tenancy ready</p>

Appraisal of other options considered.

Option	Rational & Implications
To leave the policy unchanged and not reduce the priority of those homeless applicants who have poor prospects of being offered social housing.	This option is not the preferred option as many homeless applicants who have arrears or have a history of unacceptable behaviour within the last 3 years would continue to be refused a tenancy by Registered providers and would not benefit from the support that may be offered.



This template is for use where an initial assessment has been completed and has identified a potential medium or high risk for service users or staff. It should be used for the following:

- During the development or amendment of council policies
- When incorporating equality and diversity into annual team plans
- At the start of any new procurement or commissioning exercise

Service area:	HomeChoice Policy Amendments 2017
Equality impact assessment owner:	Helen Mannion, HomeChoice Manager, x6189
Review date:	Sept 2017

Service User Impact (High, medium or low)	
Before mitigating actions	After mitigating actions
Medium	Low

Staff Impact (High, medium or low)	
Before mitigating actions	After mitigating actions
Low	Low

Section 1 – The Proposal

1.1 Background to proposal – maximum 250 words

(Please provide a brief explanation of the policy change/project/proposals. You should consider the impact on both customers and staff)

Our HomeChoice register is used by households to apply for social housing in North Somerset (NS). It is also used for applications for Gypsy and Traveller pitches. From time to time the policy governing the register needs to be updated. On this occasion the two major changes proposed are regarding eligibility of Gypsy and Traveller households to apply for pitches¹ and revised banding for some homeless applicants. In addition, six more minor changes are proposed: banding for overcrowded Gypsy and Traveller (G+T) pitches;

¹ Permanent pitches to house their caravan/s



eligibility by virtue of financial resources; eligibility in relation to rent arrears/Council Tax debt; alteration to an appendix on rough sleepers and other homeless to cover homeless people owed a Homelessness Duty by another Local Authority; priority of those who have refused offers of suitable accommodation; and procedure for reviewing medical assessments and welfare assessments.

1.2 Is there a budget reduction associated with this proposal?

No.

1.3 Who is likely to be effected by these proposals?

These changes will affect some households wishing to join the council's HomeChoice register, some households already on the register and Gypsy and Traveller households wishing to apply for pitches or already living on pitches and experiencing overcrowding.

It should allow more Gypsy and Traveller households to apply for pitches as the proposed residence (in NS) requirement is shorter than the current position and it also allows for exceptional circumstances to be considered for those who do not meet the residency requirement.

It will adversely affect some homeless applicants with a history of rent debt and Council Tax debt, however each case will be treated on its merits and in exceptional circumstances the policy change will not be applied e.g.: where the applicant has been a victim of domestic violence.

Banding for overcrowded applicants living on Gypsy and Traveller (G+T)/mobile home pitches will be brought into line with the HomeChoice register policy to ensure fairness and will result in applicants in such circumstances receiving a lower banding than the current policy .

Eligibility by virtue of financial resources will be updated to reflect inflation which will result in some people who would have previously been excluded from the register no longer being excluded. This is considered a fair approach in light of the increases in incomes and rents over recent years.

We propose to bring the HomeChoice policy more in line with our Registered Provider partners' policies around eligibility in relation to rent arrears/other rechargeable debts. Again there is protection for vulnerable households, but those who have 'abused' a previous tenancy will be penalised.



An alteration to the appendix on rough sleepers and other homeless, to cover homeless people who are owed a homelessness duty by another council clarifies the legal position and does not affect applicants who are only owed a duty by North Somerset Council.

The proposed reduction in priority of those applicants who have refused offers of suitable accommodation is recognition of the shortage of social housing and seeks to eliminate unreasonable refusals. Applicants are entitled to appeal in writing or verbally. Finally the procedure for reviewing medical assessments and welfare assessments is set out and will ensure assessments will be based on more accurate, up-to-date information; which means better allocation of limited social housing to those in most need it, using objective criteria.

1.4 Please detail below how this proposal may impact on any other organisation and their customers

The social housing which the HomeChoice register accesses is owned and managed by a range of Registered Providers (RPs) operating in the NS area. A small number of gypsy and traveller pitches are owned and rented by the council and a Registered Housing Provider. The change to the HomeChoice policy around rent arrears brings us into line with RP's policies. RPs have introduced much stricter criteria about ensuring potential tenants being less likely to get into rent arrears.

Section 2 – What Do We Know?

2.1 Customer/staff profile details – what data or evidence is there which tells us who is, or could be, affected?

2.2 What does the data or evidence tell us about the potential impact on diverse groups, and how is this supported by historic experience/data?

The HomeChoice (HC) register is a major source of information about households in housing need in NS. In order to keep the register about housing need and not demand (which is unrealistic and cannot be met), we exclude those households who are not a priority for housing. For example excluding those households which have sufficient financial means to meet their own housing needs (see paragraphs 1.1 and 1.3 above).

We consider below how the eight HomeChoice amendments above will affect people from a range of equalities groups. The majority of HC register statistics shown are as at 29 September 2017 when there were 3,381 households on the register with a total of 9,234 household members.

Equality area	Relevant? Yes/No	Reason
Age - Old and young	Old – Yes	The age breakdown from the 2011 Census for North Somerset shows 17.7% of the population are aged between 0-15 years, with 61.1% of people being



Equality area	Relevant? Yes/No	Reason
	Young - No	<p>of working age and 21.1% older people (65+ years) (the last of these for older people compares to 16.5% of the national population). The HomeChoice register has a significantly higher proportion of younger people and a lower proportion of older people than the North Somerset population as a whole which means proportionally more younger people are effected by the changes and fewer are older people - 3,114 (33.7%) of the household members on the HC register are children under the age of 16 (6.47% of applicants are older people) and similar proportions of people of a working age (61.3%) to the Census.</p> <p>Older people may need and are given more help by the HomeChoice team with understanding the consequences of bidding for properties and then refusing them. The HomeChoice team will ensure the amendment to HomeChoice policy around refusal of offers is not applied to older person who unwittingly refuse an offer because e.g. they misunderstood the procedure.</p> <p>Mobile homes are occupied by a higher proportion of older people than younger people and the change in how overcrowding on mobile home pitches is banded could therefore have a greater impact on older people. However, this change will ensure that all applicants are prioritised in a consistent and fair way. In addition it should be noted that currently there are no public mobile homes sites in North Somerset.</p> <p>For young people (YP), whilst the percentage of YP in NS is similar to the E&W average, they disproportionately need housing help and advice as they are at the start of their 'housing journey'. There are 469 YP households (households where first name applicant is a 16 to 24 year old), this represents 13.9% of the households on the HC register. However the proposed changes will affect younger people in the same way as all other</p>

Equality area	Relevant? Yes/No	Reason
		applicants. Vulnerable YP benefit from a dedicated housing worker in the Housing Advice Team.
Carers	No	<i>Includes carers of applicants and applicants who are carers.</i> The amendments should not have significant effect on carers. HC holds very little information on carers with only eight people stating their relationship to the main applicant is 'carer'. However a disabled person requiring a carer is very likely to be a high banded case if their current housing is inadequate, at which point they would have designated HC officer to help them with their rehousing.
Disability	No	1,036 of the households on the HC register have a member of their household who is disabled ² , that is 30.6% of all households. 60 HC households are currently seeking wheelchair accessible housing of which 32 (54%) are in Bands A and B (the two highest bands of four for rehousing). This means proportionally more disabled people would be effected by the changes Under 'employment status' 1,265 household members state they cannot work (long term sickness or disability), 13.7% of all household members. Does not include disabled children. All disabled Band A applicants have a dedicated HC officer to help with bidding, adaptations and other issues affecting their rehousing. People with a disability are more likely to be disadvantaged in accessing housing in the owner occupied and private rented sectors and hence more dependent on social housing to meet their housing needs. However the proposed changes will affect disabled people in the same way as all other applicants
Location	No	No likely specific impacts

² Though this cannot be verified in all cases



Equality area	Relevant? Yes/No	Reason
- Inc. people living in rural areas		
Marriage or Civil Partnership	No	No likely specific impacts. HC has quite limited information on marriage or civil partnership. On 829 (24.5%) live applications a household members states their relationship to the first named applicant (AKA 'head of household') as: spouse or partner – 483; husband – 274, relationship – 50 and co-habitee – 22.
Parents	No	<p><i>Parents of housing applicants and housing applicants as parents.</i></p> <p>1,428 (42.2%) of the households on the HC register are households with dependent children. This compare to 27.1% of the NS population as a whole (Census 2011). Parents reflect a high proportion of applicants and would therefore proportionally would experience a greater impact. However the proposed changes will affect households with children in the same way as all other applicants</p> <p>Priority band cases have a HC officer or Housing Advice officer (HAO) to help with their rehousing and the need to find settled accommodation</p> <p>The housing needs of children are given high priority on the HomeChoice register. For those not eligible for the HC register the exceptional circumstances clause ensures vulnerable households with children are prioritised where appropriate. The full detail of exceptional circumstances are at Appendix I of the HC policy, but include those who need to move e.g. because they are in the private rented sector and their home has a Category 1 hazard which cannot be resolved within 12 months; would experience a serious impact on their health otherwise; and where they are experiencing domestic abuse or serious violence. Our duty to help anyone threatened with homelessness and give advice to all also applies.</p>
Pregnancy or women on Maternity Leave	No	No likely impacts



Equality area	Relevant? Yes/No	Reason
Sex (Gender)	No	<p>2,239 (66.2%) of households on the HC register have an application where the first named applicant is a woman and 1,142 (22.8%) have one where first named applicant is a man. 11% of applicants have chosen not to disclose.</p> <p>5,058 (54.8%) of the household members on the HC register are female and 4,063 (44.0%) are male. There are 113 (1.2%) where the gender is not stated. This compares to 51.4% females and 48.6% males in the NS population as a whole (Census 2011).</p> <p>Whilst key triggers which increase womens' vulnerability to housing exclusion such as domestic violence (DV), relationship breakdown and subsequent homelessness disproportionately, negatively impact on women; there are no expected specific impacts from these HC policy changes.</p> <p>There are a greater number of female applicants on the HomeChoice register than men which means proportionally more women would be affected by the changes than men. However, the proposed changes will affect women in the same way as all other applicants</p>
Race - Inc. Gypsies and Travellers	Yes	<p>The ethnic origin of applicants for housing is monitored to ensure fairness and equality of opportunity. The 2011 Census revealed a 2.1% Black and Minority Ethnic (BME) population³ in NS, at September 2017 7.9% of the first named applicants to the HC households were BME and 8.7% of household members were BME (note these may overlap). This illustrates BME households more likely to need/seek social housing. This means proportionally more people from a BME background would be affected by the changes. However, the proposed changes will affect all applicants in the same way.</p>

³ By 'head of household'

Equality area	Relevant? Yes/No	Reason
		<p>The major ethnic group affected by two of the proposed amendments are Gypsy and Traveller communities (see paragraph 1.1). Making the residence period shorter will give a wider group of households from travelling communities' eligibility to apply for pitches. A shorter residence requirement is a compromise which recognises the nomadic nature of G+T life whilst also protecting those G+T households with a local connection to NS. If a G+T household is excluded from the register because of their lack of local residency, the HC Team will make contact to check if there are any exceptional circumstances.</p> <p>The other change which affects G+T households, (banding for overcrowding) will result in applicants in these circumstances receiving a lower banding than under the current policy. However, this change will ensure that all applicants are prioritised in a consistent and fair way.</p>
Religion or Belief	No	No likely impacts
Sexual Orientation	No	No likely impacts. HC does not hold information on sexual orientation.
Socio-economic disadvantage	No	<p>We have attached as Appendix C a table which shows the information the HC register holds around the 'employment, education etc. status' of household members of applicant households.</p> <p>In summary because social housing is provided for people who cannot afford to buy or rent in the market and the housing register eligibility criteria reflects this, inevitably the vast majority of the people affected by these changes will be in receipt of a low income.</p> <p>The proposed policy changes recognise that RPs are less likely to house those who have been in rent arrears or whose behaviour makes them unsuitable to be a tenant. The revised policy intention is to avoid falsely</p>

Equality area	Relevant? Yes/No	Reason
		<p>raising hopes of applicants in these circumstances and to ensure they understand and are supported to be tenancy ready. There are number of safeguards in place e.g. if the applicant has been a victim of DV, if the debt arose due to the applicant's vulnerability and there is now support in place to prevent further debt; and the customer was unable to pay due to circumstances other than deliberate non-payment.</p> <p>Households are also protected by a homelessness duty for many (e.g. those with children) and an obligation under the Homelessness Reduction Act to give housing advice to all those who need it.</p>
Transgender	No	No likely impacts. HC does not hold information on someone's transgender status.
Staff	No	The HomeChoice amendments will not affect staff numbers. Some of the amendments may change the way staff assess applications, but not the number of staff.



2.3 Are there any gaps in the data, for example across protected characteristics where information is limited or not available?

The table below has been completed in respect of the information we hold on those households on the HomeChoice register, which is the main way in which households tell us about their desire to access and bid for social and affordable housing. HomeChoice is our most comprehensive database of housing need. Yes = good information, No = not available.

Age	Yes	Carers	Yes ⁽¹⁾	Disability	Yes
Location	Yes	Marriage or Civil Partnership	Some	Parents	Yes
Pregnancy/Maternity Leave	Yes	Race	Yes	Religion or belief	Yes
Sex (Gender)	Yes	Sexual Orientation	No	Socio Economic	Yes
Transgender	No	Other area, please specify:			

⁽¹⁾ In the sense of caring for children only

2.4 How have we involved those that could be affected?

The proposed amendments were set out on the council's Have Your Say webpage which is open to all. The proposals were posted for two periods of six weeks. At the start of the second 6 week period we wrote to all HomeChoice applicants informing them of the consultation. Respondents could either complete an on-line questionnaire or email their responses to the council. A wide range of organisations including RPs, agencies representing housing customers e.g. CAB, Gypsy and Traveller specific agencies (Elim and the Ethnic Minority and Traveller Achievement Service) were sent a link to the consultation.

Staff were also consulted regularly in team meetings as the HomeChoice changes were developed. As well as being part of the more general consultation above, RPs were also directly consulted on the changes most relevant to them.

2.5 What has this told us?

There were 49 responses to the Have Your Say consultation, and a further two via by email. Some respondents made suggestions for improving the HomeChoice policy outside the parts that were being changed. All the policy changes proposed were supported by survey



respondents in the range 51% agreeing with change to as high as 94% in favour of another change. A full picture of responses is attached as Appendix A. Staff felt the changes proposed were positive and ensured best use of the social housing stock available.

In addition to the consultation above, a consultation exercise was undertaken directly with Gypsies and Travellers. This was with residents of sites owned by the council and Elim HA. 10 G+T households on public sites were interviewed, 70% agreed with the changes, and 30 % disagreed. In addition 50% felt the policy got the right balance between the nomadic lifestyle of Gypsies and Travellers and those Gypsy and Travellers that live locally with 20% disagreeing and 30% not responding. The detailed results are attached to this EIA as Appendix B.

2.6 Are there any gaps in our consultation, what are our plans for the future?

We are committed to improving our services and ensuring they are accessible to all and two future projects will be pursued. The first is to try and contact and interview some G+T households living in bricks and mortar housing and find out if they have had any experience of the council's housing service and to make them aware of the HomeChoice service. The second is to do some work with older people to ensure they are aware of the consequences of refusals once they have bid for properties on HC. The problem with refusals is not generally a problem with older people, as sheltered housing is not in such high demand and in some places is in surplus⁴, so staff can give them more 'age-specific' advice and help as we already do.

We are also aware that the council's Transformation Team are looking at a range of customers' experiences in accessing the council's website which includes services such as HomeChoice. Following advice from them we are already making improvements to the HC website. We will continue to work with our Transformation team to identify if further improvements are needed in future. We will also improve on-line information for all those needing housing advice and all HC applicants as a result of the Homelessness Reduction Act.

⁴ I.e. traditional sheltered flats

Section 3 – Assessment of Impact

Section 3

Will the proposals included in this assessment have an impact on any of the following?	Actual or potential impact				Is the actual or potential impact negative, positive or both?
	High	Medium	Low	None	
Disabled people				x	These HomeChoice amendments ('HC amends') will have no significant impact on how disabled people are affected.
Race / People from different ethnic groups		x		x	HC amendments around Gypsy and Traveller (G+T) eligibility for pitches will have medium, positive impact for G+T households with a shorter period of connection to NS who will be able to apply for pitches and are currently excluded. There could be a corresponding low, negative impact on local G+T households if the number of Gypsy and Traveller applicants on the HC register increases. The overcrowding amendment for occupiers of overcrowded pitches will have a negative impact for some Gypsies and Travellers as their banding will be lower than under the current policy however the changes brings this into line with the rest of HC policy and ensures all applications are banded consistently and fairly. See expanded text on this impact below.



Men and women				x	HC amends will have no significant impact for how it affects the respective position of men and women.
Lesbian, gay or bisexual people				x	HC amends will have no significant impact on how LGB people are affected.
People on a low income			X		<p>Predominantly the households approaching the council for housing have much lower than average incomes. By updating the financial threshold we will ensure households who cannot afford an alternative to rented housing can access the HC register. This will have a low, positive impact for those people who would currently be excluded from the register and would be included in future. There could be a corresponding low negative impact on existing HC applicants due to more people being on the register.</p> <p>We know we have pockets of major deprivation in the district. The 'HC amends' are likely to have no impact in this respect.</p> <p>The negative impact of some of the changes (e.g.: concerning rent arrears) would be mitigated (e.g. around rent arrears) by a) support and advice offered (see below) and b) the exceptional circumstances clause which protects vulnerable households living in unsafe conditions, or where not moving would be a serious impact on their health; or where they</p>



					are experiencing domestic abuse or serious violence. Our duty to help anyone threatened with homelessness and give advice to all also applies.
People in particular age groups			OP x	YP x	<p>We anticipate the 'HC amends' could have a low, potentially negative impact for older people (OP) who refuse properties. However this has to be a deliberate refusal with a full understanding of the consequences. We will mitigate any negative effects through extra advice and leeway for OP, particularly where they have unwittingly refused a property without understanding the consequences. See 2.6 for proposals around this.</p> <p>No specific impact is anticipated for young people (YP).</p>
People in particular faith groups				x	'HC amends' should have no impact in respect of this equality area.
Transgender people				x	'HC amends' should have no impact in respect of this equality area.
People who are married or in a civil partnership				x	'HC amends' should have no impact in respect of this equality area.
Women who are pregnant or on maternity leave and parents				x	'HC amends' should have a no impact in respect of this equality area
Other specific impacts, for example carers, parents; please specify	None				



Please describe the impacts listed above

Summary –. the HomeChoice service provides a housing register for people in housing need who are unable to access housing in the private sector. As a result a greater proportion of the customers using the service have children, are younger, have a disability, are from a black or minority ethnic group and are in receipt of a low income compared to the overall North Somerset population. Consequently the impact of the policy changes will have a greater impact on these groups however all groups will be impacted in a proportionate way.

The specific changes in relation to Gypsies and Traveller pitch allocations will impact directly on Gypsies and Travellers.

Section 3 – Expanded section on Gypsies and Travellers

As the only group for which the changes to the HomeChoice policy are considered to have medium impact we are setting out the context and reasons for the changes.

Because of the nomadic lifestyle of G+T households the current residential rules concerning eligibility to the Register were considered to need review. Also there was considered to be a lack of flexibility in the HomeChoice policy for exceptional circumstances e.g. where a sick, older relative wants to move to be closer to their children.

The policy now addresses these issues, but at the same time balances this with the interests of those G+T households who have resided longer in North Somerset.

We have carried out face-to-face interviews (results at Appendix B) with G+T households on public sites in NS. We have committed ourselves at 2.6 to find out more about the housing experiences of 'hidden' G+T households, living in bricks and mortar housing. Whilst both the Have Your Say survey (results at Appendix A) and face-to-face survey endorse our change we have also had regard to the detailed comments as well.

By way of context there are currently eight households on the HomeChoice register waiting for a pitch in North Somerset. There are 33 public pitches in North Somerset.

A new Gypsy and Traveller Accommodation Assessment has recently been completed by the council which identifies the need for additional pitches over the next 20 years for Gypsies and Travellers and will be considered for formal adoption shortly.

<p>Does this proposal have any potential Human Rights implications? If 'yes', please describe</p>	<p>The Human Rights Act (HRA) does not give anyone a right to the provision of a home from a particular social housing provider. In some circumstances, the Convention Rights would require the UK to provide shelter for those who are so vulnerable that they would not receive respect for their family life or private life if they were left on the streets (perhaps by reason of their disability or destitution), but the HRA does not impose an obligation on any individual social housing provider to do so. Social housing providers' obligations to make housing available are to be found in the ordinary housing legislation dealing with allocation of social housing and homelessness and in the relevant regulatory requirements.</p> <p>The law (as reflected in North Somerset's HomeChoice policy) requires that reasonable preference for an allocation must be made in the following cases:</p> <ul style="list-style-type: none"> (a) people who are homeless (within the meaning of Part 7 of the Housing Act 1996); (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 (unhealthy) 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 others). <p>Preference can also be given to other categories of applications to meet local priorities.</p> <p>Finally in terms of applying for a home people have the right to a 'fair hearing' e.g. an accessible housing register and freedom from any discrimination.</p>
---	--

<p>Does this proposal have an impact on health inequalities? If 'yes', please describe</p>	<p>Our commitment and approach to housing as expressed through the HomeChoice register is to deal with applications for housing as efficiently and in as timely a fashion as possible. There is a high correlation between housing need and negative health outcomes. Our aim is to work as seamlessly as possible with health services to reduce the impact.</p> <p>Those with serious health issue are likely to get high priority on the HomeChoice register. For those not eligible to join the register, as already stated on page 4 under 'Parents' if a household's housing circumstances are likely to have a serious adverse effect on their health (and they do not have the means to provide their own housing) then under our exceptional circumstances they can still be a priority to be housed and otherwise support would be provided to help them become tenancy ready</p>
--	---

Section 4 – Action

This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment will be reviewed in the future.

1. How has the Equality Impact Assessment informed or changed the proposal?

The purpose of the HomeChoice policy amendments is to update the operating of our register and make more efficient use of the limited social housing stock in our area.

Undertaking the EIA has ensured that we have systematically considered all the potential equalities impacts arising from the 'HC amends'.

2. What course of action could we take/have we taken to mitigate the identified impact?

The impact we have identified as medium is the change for G+T households seeking a pitch where there would be a shorter local connection requirement to NS to join the HC register and also to allow for exceptional circumstances to be considered. The majority of respondents to our Have Your Say survey agree with these changes – 59% in favour and 22% not in favour. So too do the G+Ts interviewed at public sites – 70% in favour of the changes with 30% not in favour. In the medium term (see 2.6) we have committed ourselves to finding out more about the housing experiences of G+T households living in 'mainstream' housing. As part of the review it was identified that there may be Gypsies and Travellers who do not meet the revised local connection requirement but have a significant need to be allocated a pitch in North Somerset. To mitigate this risk a revised process is proposed for administering the exceptional



circumstances clause which will enable those Gypsies and Travellers who have an exceptional reason to live in NS but do not meet the HomeChoice qualifying criteria to be placed on the register.

All G&T applicants who do not meet the reduced local connection criteria will be contacted by HomeChoice to enquire if they have any exceptional circumstances and will be asked if they want to be considered under exceptional circumstances.

HomeChoice will carry out thorough checks regarding the circumstances to confirm the situation is exceptional and that these circumstances do warrant deviating from the policy including support networks within North Somerset.

The other impact we will monitor is any older people (OP) who might inadvertently refuse offers of accommodation, and ensuring they understand the consequences of this. We already provided additional support with bidding to e.g. **some** OP who may be less computer literate. The main reason for refusals by older people is due to property access / poor mobility which would not result in a banding demotion however it is appropriate to check older people are not unintentionally affected by the changes which is why we will monitor refusals closely for the first 3-6 months and any banding demotion will need to be agreed by the HomeChoice Manager.

Of course, across the board (for all applicants), if at any stage HC applicants feel the council has 'got it wrong' they have a right of appeal and this includes if they feel the HC policy has negatively impacted on them. For those who are unable to appeal in writing, the HC Team take verbal appeals.

3. What are the plans to monitor the equality actual impact of this proposal?

The EIA will be reviewed and updated in two years' time or as new, relevant information becomes available. It may be combined with other HomeChoice EIAs.

4. What are the plans to publish this Equality Impact Assessment?

The EIA will be available on the council's website alongside the full suite of HomeChoice policy documents.

**Once complete please send a copy of this Equality Impact Assessment
to the Equality and Diversity Team**





Appendix A

HomeChoice Policy Consultation Feedback from Survey on Have Your Say

Between April and May 2017 the proposed changes to North Somerset's HomeChoice were set out on the council's Have Your Say web pages (also known as eConsult). A questionnaire was designed to capture respondents view. Initially there were only four responses so the consultation was placed on Have Your Say a second time between July and August 2017 and HomeChoice applicants were written to encouraging them to take part in the consultation. This time the consultation was much more widely publicised and relevant stakeholders (e.g. registered providers, community organisations) were encouraged to give us their views.

Over both consultation periods we received 49 completed survey responses. An additional two respondents contacted us directly by email. The two emails were: one about the Gypsy and Traveller changes and one from a group of people giving feedback on the other policy changes.

Overall the responses were in favour of the changes proposed in the range of over two thirds (68%) in favour of a change to as high as 98% for one change.

Who responded?

Of the 49 respondents, the majority 36, chose not to give their name or organisation (if this was applicable). 13 respondents did give their names of which four stated the organisation they work for (see table below). Two respondents specifically stated they were HomeChoice applicants and one an Alliance HA tenant.

Organisation	Number
Elim HA ⁵	2
Knightstone HA, Older Peoples service	1
NSC Domestic Abuse service	1

Gypsy and Traveller policy change?

29 (59%) of the responses agreed with the policy change, 11 (22%) disagreed, 9 didn't respond. One made a comment that part of our consideration for exceptional circumstances should be regard for applicants who have no local connection due to travelling.

⁵ Which owns or manages the socially owned pitches for G+T households in NS



We received email feedback specifically regarding Gypsy and Traveller (G+T) policy changes that commented: “Due to general lack of site provision nationally, some local authorities accept applications for Traveller sites from applicants with no local connection. Priority would usually be given to an applicant with local connection, but all applications are considered.”

North Somerset Council (NSC) requested details of these local authorities and received no further response, however the exceptional circumstances clause will ensure those G+T applicants who are in urgent housing need and do not have a local connection are given assistance.

Do you think the proposed policy change will be an improvement?

25 (51%) responses stated the change would be positive, 12 (24%) disagreed, 12 didn't respond.

Do you think the proposed policy change gives the right balance between reflecting the nomadic lifestyle of Gypsies and Travellers and the needs of local Gypsy and Travellers?

29 (59%) responses agreed the change gave the right balance, 8 (16%) disagreed, 12 didn't respond.

Please note additional consultation directly with Gypsy and Traveller households in North Somerset has also been carried out

Policy Changes for Homeless Applicants – Reduced Priority

32 (65%) responses agreed with proposed policy change, 10 (20%) disagreed, 7 didn't respond. Positive verbal feedback to this change has also been given by some registered providers.

Band A - Overcrowded Gypsy and Traveller Pitch and Disrepair Band B

38 (78%) responses agreed with this change, 2 (4%) disagreed, 9 didn't respond.

HomeChoice Qualification - Financial Resources

34 (69%) responses agreed with this change, 10 (20%) disagreed, 5 didn't respond. Positive verbal feedback to this change has also been given by some registered providers.



HomeChoice Qualification – Rent Arrears/Council Tax Debt

38 (78%) responses agreed with this change, 9 (18%) disagreed, 2 didn't respond. Email responses from a number of respondents stated they agreed with private tenancy arrears being added to the excluded groups.

Rough Sleeper & Other Homeless Appendix – Homeless Duty Owed By Other Local Authorities.

41 (84%) responses agreed with this change, 3 (6%) disagreed, 5 didn't respond.

Refusals – Reduced Priority

37 (76%) responses agreed with proposed policy change, 9 (18%) disagreed, 3 didn't respond. Positive verbal feedback to this change has also been given by some registered providers.

Medical Assessments – Annual Review (Appendix B)

46 (94%) responses agreed with proposed policy change, 1 (2%) disagreed, 2 didn't respond.

Welfare Assessments – 4 Monthly Review (Appendix C)

40 (82%) responses agreed with proposed policy change, 5 (10%) disagreed, 4 didn't respond. Positive verbal feedback to this change has also been given by some registered providers.

Other Feedback Received

1.6.3 The explanation of Flexible tenancies advises that the tenancy will end on the last day of the term – should it say 'may' end?
NSC Comment – we will change this to 'may'.

5.5.5 Deletes the right to request a review, then in 5.5.4 it refers to information on the right to review (contradictory)
NSC comment – 5.5.5 does not delete the right to a review or make a formal complaint to a registered provider, however it is recognised that due to void losses (i.e. rent losses while unoccupied) a property cannot be held while investigations are made into applicants request for a review or complaint. It is likely that a registered provider will offer that property to another applicant on the shortlist.

5.5 Selection Process Reference to 'Thursday shortlisting confirmation calls' – NSC no longer do this.



NSC comment – will review wording in 5.5 Selection process.

Appendix F (hardship) 2nd paragraph is confusing and difficult to understand.

NSC Comment – We will review wording.

Appendix B

Face to face interviews with Gypsies and Travellers on public sites⁶

Elim HA who manage the public Gypsy and Traveller sites in North Somerset (33 pitches) carried out 10 face-to-face interviews with Gypsies and Travellers living on sites owned by the council and Elim HA using a questionnaire. Details of the responses are set out below:

Do you agree with the proposed change?

Agree – 7 (70%)

Disagree – 3 (30%)

Do you agree that the proposed changes gives the right balance between the nomadic lifestyle of G+Ts and those G+Ts that live locally?

Agree – 5 (50%)

Disagree – 2 (20%)

No response – 3

If you have any comments please use the space below. Including if you have a preferred option” (all verbal comments captured are listed below)

- sites must be for real G+Ts, not because they don't want to live in a house anymore
- if they work in NS and have done so for at least a year they should still be able to apply. Exceptional circumstances (circs) should be accepted after thorough investigations.
- should be kept at 3 years as NS sites were designed for local people. Unless there is very close family connection which would not upset site.

⁶ Sites owned by Elim HA or NSC



- should be a lot deeper investigating into exceptional circs especially if no local connection
- need to keep it local for local people, but illness to be near family should be considered.
- should be more investigating into history. Should be more priority for people who are born Travellers not those who choose the lifestyle.
- need to make sure that the new people are right for the site and must have (G+T) heritage.
- if local connection is dropped to 2 years then sites may end up taken over by one family.
- 2 years is fine, but need to be very careful about checking backgrounds for exceptional circs.
- if you allow too many exceptional circs the sites will be filled with people with problems.

NSC Response – it is acknowledged that the exceptional circumstances clause must be administered fairly and consistently and that the circumstances of applicants should be fully considered before making the decisions. The revised policy as a result includes a clearer process for administering the exceptional circumstances clause to ensure that this occurs.



Appendix C

Employment, education etc. status of HomeChoice Applicant's Household Members

Child under 16	3,114	33.7%
Cannot work (long term sickness or disability)	1,265	13.6%
Working full-time	1,191	12.9%
Working part-time	977	10.6%
Retired	623	6.7%
Not seeking work	583	6.3%
Not known	578	6.3%
Job seeker	442	4.8%
Full-time student	281	3.0%
Other adult	151	1.6%
Government training/Work Programme	29	0.3%
Grand Total	9,234	100%



LETTINGS AND ASSESSMENT POLICY

Version 6.5 — ~~February 2016~~ — ~~Final Approved~~6 — November 2017

Directorate: People and Communities



CONTENTS

1	Introduction.....	3
1.1	Introducing HomeChoice North Somerset.....	3
1.2	What is an allocation?	3
1.3	Statement on choice.....	3
1.4	Overview of the policy and process.....	4
1.5	Exceptional circumstances.....	4
1.6	Tenancy Types.....	4
1.7	Rent Levels	6
2	Eligibility and qualification.....	7
2.1	Eligibility	7
2.2	Qualifying Groups.....	7
2.3	Excluded Groups.....	8
2.4	Processes	11
3	Assessment of housing need	12
3.1	Policy.....	12
3.2	Assessment.....	12
3.3	Band A	13
3.4	Band B	15
3.5	Band C	16
3.6	Band D	18
3.7	Emergency Priority Band.....	18
3.8	Effective and Application Dates.....	19
3.9	Notification	20
3.10	Application Renewals	20
3.11	Cancelling Applications	21
3.12	Review Procedure	21
4	Bedroom Entitlement.....	22
4.1	Policy.....	22
5	Allocations and Lettings.....	24
5.1	Advertising of Properties	24
5.2	Property Descriptions	24
5.3	Labelling of Properties.....	24
5.4	Bidding for Properties.....	26
5.5	Selection Procedure	26
5.6	Refusals	28
5.7	Contrived circumstances	29
5.8	Feedback	29
5.9	Direct Lets	30
6	Gypsy and Traveller Pitches.....	32
6.1	Policy.....	32
6.2	Eligibility and Assessment.....	33
6.3	Allocation.....	33



7	Monitoring and Review	35
7.1	Monitoring	35
7.2	Equal Opportunities	35
7.3	Social Inclusion	36
7.4	False Information.....	36
7.5	Access to Personal Information.....	37
7.6	Policy Review	37
7.7	Complaints	37



1 INTRODUCTION

1.1 Introducing HomeChoice North Somerset

- 1.1.1 This document describes the HomeChoice North Somerset Scheme (“HomeChoice”) run by North Somerset Council (“the council”) in partnership with the majority of registered providers of social housing (“housing associations”) operating within North Somerset. It also sets out the procedures that the council follows in the allocation of affordable housing in its district.
- 1.1.2 The housing associations that are part of the scheme are known throughout this document as the scheme landlords. These are listed at Appendix A. A copy of the HomeChoice North Somerset Lettings Policy will be available free from the council or one of the scheme landlords, and is also available on the council’s website at www.n-somerset.gov.uk.

1.2 What is an allocation?

- 1.2.1 The allocation of housing by a housing authority is defined in s.159 of the 1996 Housing Act as:
- Selecting a person to be a secure or introductory tenant of housing accommodation held by them (i.e. by that housing authority);
 - Nominating a person to be a secure or introductory tenant of housing accommodation held by another person (i.e. another housing authority);
 - Nominating a person to be an assured tenant of housing accommodation held by a private registered provider (housing association).

1.3 Statement on choice

- 1.3.1 HomeChoice was introduced in April 2009 to introduce a Choice-Based Lettings (CBL) scheme, involving partnership of housing authorities and registered social landlords and working together with private landlords wherever possible is the best way to achieve the greatest choice and flexibility meeting applicant’s needs.
- 1.3.2 It is important to realise that the demand for accommodation is higher in some areas than others. In making a decision about the choices available, applicants need to consider their housing need priority against the availability of properties in any given area.



1.4 Overview of the policy and process

- 1.4.1 The Council assesses applications from customers who would like to rent affordable homes in order to determine:
- Whether they are eligible for an allocation;
 - Whether they qualify for an allocation;
 - The level of their housing need, assessed against four bands.
- 1.4.2 The council stores the information about eligible and qualifying applicants on an electronic data base known as its Housing Register. This information is shared with the scheme landlords.
- 1.4.3 Scheme landlords advertise their vacant properties in North Somerset to those on the Housing Register, including photographs and a description, on a weekly basis. Applicants may apply ("bid") for their choice of properties as long as they meet the qualifying criteria for a particular property.
- 1.4.4 The successful applicant will be the person in the highest band, with the highest multiple amount of housing need and with the earliest effective date. An offer will then be made subject to a visit and subsequent acceptance by the potential landlord to confirm the details on the original application form. Incorrect information may result in the offer being withdrawn and the band re-assessed.
- 1.4.5 Feedback is provided to applicants on the level of demand for vacant properties previously advertised. This helps applicants to make more informed choices, including looking at the other housing options promoted through the scheme.

1.5 Exceptional circumstances

- 1.5.1 The policy may be departed from where the Team Manager considers that an individual's exceptional circumstances warrant a departure from any part of this policy, has recorded reasons for that decision, and has the written/emailed agreement of another senior housing managers within North Somerset Council. See Appendix I for Exceptional Circumstances relating to HomeChoice qualification.

1.5.1.6 Tenancy Types



[4.5.11.6.1](#) An applicant can be offered the following types of tenancies:

- Lifetime Tenancies; or
- ~~Fixed Term~~Flexible Tenancies.

Both tenancies can be offered on either a Social Rent or an Affordable Rent basis. These terms are explained below.



4.5.21.6.2 Lifetime Tenancies

Lifetime tenancies remain available to a tenant for as long as the terms of the tenancy agreement are upheld. These are offered on an Assured Tenancy basis.

4.5.31.6.3 Flexible Tenancies

Flexible tenancies are offered for a fixed period of time and the tenancy ends on the last day of that period or term- unless extended by a scheme landlord. The scheme landlords will decide their own typical length to offer a tenancy, but the recommendation from the council's tenancy strategy is 5 years.

4.61.7 Rent Levels

4.6.11.7.1 Both lifetime and flexible tenancies can be offered on a Social Rent or Affordable Rent basis.

4.6.21.7.2 Social Rent

Social rent is based on a formula set by government. It is usually less than an affordable rent.

4.6.31.7.3 Affordable Rent

Affordable rents are set at 80% of the market rent in the private sector.



2 ELIGIBILITY AND QUALIFICATION

2.1 Eligibility

- 2.1.1 Certain people from abroad, including some who are subject to immigration control, are not eligible for an allocation of affordable housing. These regulations are set by Government and updated regularly. The Council follows these regulations, which are available on request.
- 2.1.2 Applicants who are eligible for allocation as per the paragraph above must be over 16 years of age, and meet one or more of the criteria defined in section 2.2, to qualify for an allocation and join the housing register.
- 2.1.3 There are also a number of excluded groups, defined in section 2.3, that may disqualify an applicant from joining the housing register.

2.2 Qualifying Groups

An applicant qualifies to join the housing register if they:

2.2.1 Local Connection

- Have, by choice, lived in North Somerset for the three consecutive years preceding the date the application is made or reviewed; or
- Have, by choice, previously lived in North Somerset for ten consecutive years no more than five years prior to the date the application is made or reviewed; or
- Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed; or

2.2.2 Armed Forces personnel

- Are a member of the Armed Forces or former Service personnel, where the application is made within five years of discharge; or
- Are a bereaved spouse or civil partner of a member of the Armed Forces leaving Services Family Accommodation following the death (as a result of service) of their spouse or partner; or
- Are a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service; or

2.2.3 Homelessness

- Have had a full homelessness duty accepted by North Somerset Council under Part 7 of the Housing Act 1996; or
- Is homeless or threatened with homelessness, not accepted by North Somerset



Council under Part 7 of the Housing Act 1996, but would have a full duty if a homelessness application were determined (known as a “prevention duty”).

2.2.4 **Social Housing tenants living outside North Somerset**

- Are Social Housing Tenants who have a need to move to North Somerset to avoid hardship, and need to move because the tenant works or has been offered work in North Somerset and has a genuine intention to take up the offer. In determining this regard will be had to paragraphs 16-34 of the DLG Right to Move Statutory Guidance on Social Housing allocations for Local Authorities in England (March 2015)

2.2.5 For the purposes of this section, residence in the district is not of a person's choice if it is a consequence of serving in the Armed Forces or being detained under the authority of Act of Parliament or by being placed in the area to receive treatment or rehabilitation of any kind for any kind of dependency.

2.2.6 Please note: evidence of residence will need to be demonstrated by one of the following:- Electoral Register, Council Tax, Housing Benefit, Proof of Schooling, Working Tax Credit Documents, Child Benefit Documents, VAT or Income Tax Documents. Additionally, evidence of residence from agencies that have worked with/had knowledge of the household will also be considered.

2.3 **Excluded Groups**

An applicant is excluded from the housing register in the follow circumstances:

2.3.1 **Owner-Occupiers**

- Applicants who are owner-occupiers will be excluded from joining the Housing Register unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3. For the purposes of this section, owners of mobile homes are not considered to be owner-occupiers; or

2.3.2 **Sufficient Financial Resources**

- Single applicants with combined savings and annual income of more than £~~2530~~2530,000; couples without dependents with combined savings and annual income of more than £~~3035~~3035,000; or applicants with dependents with combined savings and annual income of more than £~~3540~~3540,000 will be excluded from joining the Housing Register unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3. For the purposes of this section, this exclusion will not apply to those applicants wishing to apply for a Gypsy and Traveller Pitch. These figures are subject to annual review; or



2.3.3 **Intentionally Homeless**

- Applicants who are adjudged to be Intentionally Homeless under Part 7 of the Housing Act 1996 will be excluded from joining the Housing Register for a period of 3 years from the date of the decision, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or

2.3.4 **Anti-Social Behaviour**

- Applications containing an individual who has been found to be guilty of anti-social behaviour will be excluded from joining the Housing Register for a period of 3 years unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3. The definition of anti-social behaviour is that the person is guilty of unacceptable behaviour serious enough to make them unsuitable as a prospective tenant, and/or they have a conviction for ASB or have been subject to an anti-social behaviour contract (ASC); or

2.3.5 **Perpetrators of Hate Crime/Domestic Abuse**

- Applications containing an individual who has been convicted of racial harassment/abuse or another hate crime will be excluded from joining the Housing Register for a period of 3 years from the date of their conviction unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or
- Individuals who are identified as perpetrators of domestic abuse by the multi-agency risk assessment conference (MARAC) will be excluded from joining the Housing Register for a period of 3 years from the date their case is brought before the conference unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or

2.3.6 **Arrears/Council Debts**

- Applicants who owe any registered provider-scheme landlord or private landlord more than £200 - in rent arrears or other rechargeable debts - will be excluded from the Housing Register until they have made twelve successive monthly repayments as part of an agreed payment plan or they have paid/reduced their outstanding balance in full to below £200, whichever is the sooner, unless the scheme landlord is working with the applicant to alleviate under-occupation, or they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or

2.3.7

- Applicants who have received loans to secure accommodation from the council's housing resource service will be prevented from bidding ("suspended") on the Housing Register if they fail to make their agreed repayments, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or
- Applicants who, at the point of offer, are found to owe more than £200 in council tax will be prevented from bidding ("suspended") on the Housing Register



until they have made twelve successive monthly repayments as part of an agreed payment plan or they have ~~paid~~reduced their outstanding balance ~~in full,~~to below £200 whichever is the sooner, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or

2.3.72.3.8 **Penalty Clause**

- Applicants who are found to have knowingly omitted information that would disqualify them, or have given false information to gain eligibility or improve their priority on the register, will be excluded from the Housing Register for 3 years from the date they become eligible for the register, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3.

For example, an applicant who states that they have lived in North Somerset for three years when in fact they have only lived in the district for two, will have their application cancelled. Once they meet the local connection criteria, they will be excluded for an additional 3 years before they are able to qualify.



2.4 Processes

- 2.4.1 Applicants can complete an initial application form to establish if they qualify for the Housing Register. If they are assessed as qualifying, they can then complete the full Housing Register application form to have their priority assessed.
- 2.4.2 Where the council decides that an applicant is ineligible or does not qualify for an allocation and to join the Housing Register, it will notify the applicant of that decision and the grounds for it in writing or via the HomeChoice website.
- 2.4.3 A request for a review of a decision should preferably be made in writing, and can be made by an applicant or a representative on behalf of the applicant within 21 days of the decision. The appeal should include information that the applicant believes has not been taken into account already or which further supports the original application or new information.
- 2.4.4 In order to be reassessed, applicants will be required to show how they may qualify. This will relate to the reasons for non-qualification and each applicant will be told their criteria for reassessment and possible qualification.
- 2.4.5 Applicants are responsible for notifying the HomeChoice Team of any change of circumstances or address that occur, as they may have an impact on their application. Any bids placed between the change of circumstances occurring and the application being re-assessed may be invalid, and can be withdrawn by a HomeChoice officer
- 2.4.6 Should an applicant's circumstances change resulting in them no longer being eligible, then their application will be closed. They may choose to re-apply should they become eligible again at a future date.
- 2.4.7 When an excluded applicant's exclusion expires, they may choose to re-apply to join the register, but will be required to demonstrate that the cause of their exclusion no longer applies. For example, with regards to anti-social behaviour, the applicant will have to provide evidence that they have maintained a tenancy with references.



3 ASSESSMENT OF HOUSING NEED

3.1 Policy

- 3.1.1 All applicants who are eligible and qualify to join the Housing Register will be assessed and placed in the appropriate priority band that represents their household's needs.
- 3.1.2 The law requires that reasonable preference for an allocation must be made in the following cases:
- (a) people who are homeless (within the meaning of Part 7 of the Housing Act 1996);
 - (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 (unhealthy) 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 others).
- 3.1.3 Preference can also be given to other categories of applications to meet local priorities.

3.2 Assessment

- 3.2.1 Based on housing need, all applications will be placed into one of four bands – A, B, C or D (see paragraphs 3.3-3.6) – or in exceptional circumstances placed into Emergency Priority Band (see paragraph 3.7).
- 3.2.2 Where an application has more than one housing need (HN) which appear in different bands, it will always be placed in the higher band.



- 3.2.3 If an application is in the same band as another, the applicant with the greatest number of higher band housing needs will have greater priority than those with less numbers of housing need.
- 3.2.4 If an application has the same number of housing needs as another, priority will be given to the application who has been waiting in that band for the longest period of time.
- 3.2.5 If an application has the same number of housing needs as another, and has been in that band for the same period of time, the date of application will be used to decide the order of the shortlist.
- 3.2.6 If two or more applicants are still assessed as equal on number of housing needs, period of time in that band and period of time on the shortlist, then any offer of property will be at the scheme landlord's discretion.

3.3 Band A

- 3.3.1 **Approved Homeless and 3+ months in Temporary Accommodation (HN)**
Applicants Except where paragraph 3.6.1 applies, applicants to whom North Somerset Council has accepted a full homeless duty under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002), and who have been resident in designated temporary accommodation for 3 months or more from the date of the acceptance of the duty.
- 3.3.2 **Urgent Medical Need (HN)**
The applicants, or someone in their household, have an urgent and potentially life-threatening need to move on medical grounds, where their health is directly and adversely affected by their current accommodation, and where a move would see a clear improvement in their health (see Appendix B).
- 3.3.3 **Urgent Welfare Need (HN)**
Applicants who have an urgent need to move on welfare grounds, where their welfare is aggravated by housing conditions and would improve if other accommodation were offered (see Appendix C).
- 3.3.4 **Lacking 3 Bedrooms (HN)**
Applicants who have access to three less bedrooms than their bedroom need as calculated using the DWP bedroom standard **UNLESS** evidence proves that the overcrowding is deliberate. For the purposes of this calculation, unborn children do not count towards the entitlement.



3.3.5 **Under-occupying 2+ bedrooms**

Applicants who are a tenant of a scheme landlord, resident within North Somerset, who are under-occupying their property by two or more bedrooms.

3.3.6 **Care Leavers**

Where North Somerset Council is the corporate parent and the Care Leaver is ready to live independently, or with floating support. The Housing Advice Officer for care leavers must confirm in writing that the applicant is ready for such a move and has acquired reasonable skills to sustain a tenancy.

Young people qualifying for Band A must be a North Somerset Care Leaver. The only other young people qualifying for Band A would be those who were adopted through North Somerset Council and this arrangement has broken down after their 16th Birthday and as a result the young person has had the option of being re-accommodated by the local authority and reunification has been unsuccessful; or where the young person is subject to a Special Guardianship Order and a full Leaving Care Duty is part of the Support Plan identified as a contingency by the Court that granted the Order.

3.3.7 **Foster Carers or Adopters**

- Applicants who need to be rehoused or housed by a scheme landlord because they are either a foster carer who needs larger accommodation to foster more children, or intend promptly to become a foster carer and requires larger accommodation in order to perform this role. Applicants must have approved Foster Carer status as approved by North Somerset Council's fostering service.
- Applicants who need to be rehoused or housed by a scheme landlord because they intend promptly to adopt a child via North Somerset Council's adoption service and require accommodation in order to perform this role.
- Applicants who need to be rehoused or housed by a scheme landlord because they have taken a special guardianship order (SGO) and need larger accommodation to perform this role.

3.3.8 **Disabled Adaptations**

Applicants requiring an adapted property where their current property cannot easily be adapted practically and/or economically, and a move has been agreed as a preferred option by the Housing Adaptation Service in lieu of a Disabled Facilities Grant.



~~3.3.9 Overcrowded Gypsy and Traveller Pitch~~

~~You currently reside on a Gypsy and Traveller/Mobile Home pitch and your pitch is overcrowded and you wish to move to another pitch.~~

3.4 Band B

3.4.1 Approved Homeless (HN)

Except where paragraph 3.6.1 applies, Applicants to whom North Somerset Council has accepted a full homeless duty under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002).

3.4.2 Homelessness Prevention (HN)

Except where paragraph 3.6.1 applies, Applicants who are homeless or threatened with homelessness, not yet accepted by North Somerset Council under Part 7 of the Housing Act 1996, but would have a full duty accepted if a homelessness application were to be determined.

3.4.3 Significant Medical Need (HN)

The applicants, or someone in their household, have an urgent but not life-threatening need to move on medical grounds, where their health is directly and adversely affected by their current accommodation, and where a move would see a clear improvement in their health (see Appendix B).

3.4.4 Lacking 2 Bedrooms (HN)

Applicants who have access to two less bedrooms than their bedroom need as calculated using the DWP bedroom standard **UNLESS** evidence proves that the overcrowding is deliberate. For the purposes of this calculation, unborn children do not count towards the entitlement.

3.4.5 Under-occupying 1 bedroom

Applicants who are a tenant of a scheme landlord, resident within North Somerset, who are under-occupying their property by one bedroom.

3.4.6 Rough Sleepers

Applicants assessed as sleeping rough (street homeless, in a tent or in their car) by a HomeChoice Manager, HomeChoice Officer or Housing Advice Officer (see Appendix D).

3.4.7 ~~Serious Disrepair~~ Category 1 Hazard (HN)

The applicant's home is dangerous, due to a Housing Act 2004 Category 1 Hazard ~~exists~~existing, and ~~it where there~~ is confirmed by no prospect of the ~~Hazard being remedied~~ The council's Private Rented Housing ~~Team~~Service



must confirm the presence of a Category 1 Hazard and that it would be more appropriate for the applicant to be re-housed This includes verification from the council's Private Rented Housing Service that a gypsy and traveller/mobile home pitch is overcrowded and that the applicants require a move to a larger pitch.

3.4.8 **Supported Housing 'Move-On'**

i. Applicants who live within a Supporting People funded Supported Housing project in North Somerset and are seeking to 'move-on' into independent accommodation. This does not apply to applicants whose placement is to receive treatment or rehabilitation of any kind for any kind of dependency. This only applies to applicants who met the local connection criteria in paragraph 2.2.1 at the time of the original referral and acceptance into the supported housing project.

The Project Manager must confirm in writing that the applicant is ready for such a move and has acquired reasonable skills to sustain a tenancy or has the necessary support in place to do so. The case will then be considered by the HomeChoice Manager as to whether the applicant meets all the criteria to move into Band B.

or

ii. Applicants who live in residential or nursing care settings and are seeking to 'move-on' into independent accommodation. This does not apply to applicants whose placement is to receive treatment or rehabilitation of any kind for any kind of dependency. This only applies to applicants who met the local connection criteria as set out in paragraph 2.2.1 at the time of their move into their current accommodation.

The Adults' Support and Safeguarding team leader responsible for that service user must confirm in writing that the applicant is ready to live independently and has the necessary care and support in place to do so. The case will then be considered by the HomeChoice Manager as to whether the applicant meets all the criteria to move into Band B.

3.4.9 **Gypsies and Travellers**

You~~you~~Gypsy and Traveller applicants who are living in bricks and mortar to which they have a cultural aversion and wish to move to a gypsy and traveller pitch.

3.5 **Band C**

3.5.1 **Minor Medical Need (HN)**

The applicants, or someone in their household, have an clear but not urgent



need to move on medical grounds, where their health is directly and adversely affected by their current accommodation, and where a move would see a clear improvement in their health (see Appendix B).

3.5.2 Sharing Basic Facilities (HN)

Applicants sharing basic facilities such as toilets, bathrooms and kitchens with people unrelated to everyone in their household.

3.5.3 Lacking 1 Bedroom (HN)

Applicants who have access to one less bedroom than their bedroom need as calculated using the DWP bedroom standard **UNLESS** evidence proves that the overcrowding is deliberate. For the purposes of this calculation, unborn children do not count towards the entitlement.

3.5.4 Other Homeless Applicants (HN)

Applicants who North Somerset Council has assessed as homeless under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) but no duty applies, and those who have ~~no where~~nowhere to live (e.g. No Fixed Abode 'NFA').

3.5.5 Former armed forces member (HN)

Applicants who are either

- (a) former members of the Armed Forces,
- (b) serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service,
- (c) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, or
- (d) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

3.5.6 Employed Applicants

Applicants whose principal home is in North Somerset and are employed for a minimum of 16 hours per week.

3.5.7 Unable to Work

Applicants in receipt of Employment and Support Allowance (ESA) or Pension Credit.

3.5.8 Mobility / Hardship (HN)

Applicants who are Social Housing Tenants who have a need to move to a particular locality in North Somerset to avoid hardship, and need to move



because the tenant works or has been offered work in North Somerset and has a genuine intention to take up the offer (see appendix F); or
Applicants who have a need to move to a particular locality within North Somerset and that need to move is to avoid hardship (see appendix F).

3.6 Band D

3.6.1 Homeless Demoted Applicants

Applicants who would ordinarily be excluded or suspended from the register under paragraphs 2.3.4, 2.3.5 or 2.3.6, but fall into one of the homelessness qualifying groups defined in paragraph 2.2.3. These applicants will be offered support to assist in addressing any issues and will have regular reviews. Following reviews applications may be reinstated to the assessed level.

3.6.2 No other housing needs

Applicants who do not meet any of the criteria for Bands A to C will be placed in Band D.

3.7 Emergency Priority Band

3.7.1 *Note:* Awarding of Emergency Priority Band can only be made with the written/emailed agreement of two members of a group including the senior housing managers within North Somerset Council, and senior managers of the scheme landlords.

3.7.2 Emergency Priority Band will only be issued to any applicant who requires an 'urgent' move to ensure the applicants safety and welfare for whatever reason. Substantial evidence must exist before such a priority is awarded. This priority may be awarded where circumstances could include where the Police recommend an urgent move to escape violence or threats of violence, or where the applicant, or a member of their household, has suffered a sudden 'traumatic event' and living within their home will cause considerable distress (e.g. serious sexual assault, etc).

3.7.3 Emergency Priority Band is time limited and will last for 28 days. If the applicant has not applied for a property suitable for their needs (size, type, adaptations etc.) within that time their Emergency Priority Band will be reviewed by the Assessment Panel and if not renewed the applicant will be placed in the appropriate band for their needs. If no suitable vacancy has arisen within this time then the Emergency Priority Band will be renewed automatically.



3.8 Effective and Application Dates

- 3.8.1 All applications will be given an “Effective Date”. This will be used when allocating properties, to determine how long an applicant has been in their current banding.
- 3.8.2 An application’s Effective Date is determined by the date that the evidence was received for their eligibility for that banding, regardless of when that evidence was actually assessed.
- 3.8.3 Applications will also have an “Application Date”, which is the date the applicant first applied to join the housing register, to determine how long an applicant has been on the HomeChoice Register.
- 3.8.4 Where an applicant whose application has previously been closed wishes to re-join the housing register at a later date, their new Application Date will be the date they re-apply.



3.9 Notification

- 3.9.1 Once an application has been assessed and entered onto the HomeChoice Register, the applicant will receive a letter within 21 days confirming their application details. This notification will include:
- a) The band in which the applicant has been placed (A, B, C or D),
 - b) The size property the applicant is eligible for (see section 4),
 - c) A personal reference number to allow bidding,
 - d) A reminder about informing us of any change in circumstances, and
 - e) The HomeChoice North Somerset review procedure (see paragraph 3.10).
- 3.9.2 Once applicants have been entered on the HomeChoice Register and notified of banding and reference number, they can start to look for a property of their choice (see section 5).

3.10 Application Renewals

3.10.1 Annual Renewals

Every 12 months from the date of their application or their last renewal, all applicants will be sent a renewal email or letter advising them to complete an online renewal. If the renewal is not completed within 28 days their application will be cancelled, as set out below.

3.10.2 No-Bid Renewals

Periodically where an applicant has not bid for any available properties for the previous year, they will be contacted to see if they still wish to remain on the HomeChoice North Somerset Register. If there is no response within 28 days, their application will be cancelled, as set out below.



3.11 Cancellling Applications

- 3.11.1 An application will be cancelled from the HomeChoice North Somerset Register in the following circumstances:
- At the request of an applicant;
 - Where an applicant ceases to qualify or becomes excluded;
 - Where an applicant does not maintain their application through the renewals process or no-bid renewals process;
 - Where the applicant moves and does not provide a contact address;
 - When a tenant completes a mutual exchange;
 - Where the applicant has died.
- 3.11.2 Any applicant whose application has been cancelled has the right to ask for a review of the decision.
- 3.11.3 If the applicant contacts the council within 28 days of their application being cancelled and indicates that they still wish to be considered for housing the application will be reinstated from their last applicable date in band.

3.12 Review Procedure

- 3.12.1 Once an applicant has been notified via email or letter of the band in which they have been placed or their ineligibility, they will have a right to request a review against the assessment. The request must be submitted made in writing and sent to the council within 21 days of the date on the notification letter and include the reason why the applicant believes their banding or ineligibility is wrong together with any additional information that the applicant believes is relevant.
- 3.12.2 The request for a review will be acknowledged by the council within seven days. A Senior Officer who played no part in the original assessment will carry out the review and respond via email or letter, to the applicant within 28 days of the receipt of the review letter. Following the review, the applicant will be informed in writing of the outcome and the reasons for it.



4 BEDROOM ENTITLEMENT

4.1 Policy

- 4.1.1 Applicants will be able to bid for selected properties, which match the needs of their household in line with the Housing Benefit Regulations¹, namely one bedroom for:
- each adult couple;
 - each other person over 16;
 - two resident children of the same sex under 16;
 - two resident children under 10, regardless of their sex;
 - a disabled child who cannot share a bedroom with another child because of their disability;
 - any other single resident child left;
 - an overnight carer for a disabled person.
- 4.1.2 Applicants calculated as needing more than 4 bedrooms will be entitled to bid for 4-bedroom or 5-bedroom properties.
- 4.1.3 Children are considered to be resident where they stay with the applicant for more than four nights per week or seven nights each fortnight. This is subject to satisfactory evidence being submitted to support access/residency right.
- 4.1.4 Non-dependent visiting children will not be considered part of the household for bedroom entitlement calculations.
- 4.1.5 For applicants who are pregnant, the unborn child will be classed as a child for the purposes of property size eligibility only. Where a household already has another child (other children), the unborn child will be classed as the same sex as the youngest child. Unborn children do **not** count towards whether an applicant is lacking in bedrooms.
- 4.1.6 Houses with their own gardens will be restricted to applicants with resident children under 16, and some upper floor properties will be restricted to applicants without children under 10. This decision will be made by the landlord at the point of advertising the property.
- 4.1.7 Partner landlords may, at their discretion, advertise properties outside of these criteria and permit under occupation where necessary (for example, to allow applicants with a 1-bedroom need to bid for a harder-to-let 2-bedroom flat or

¹ The Housing Benefit Regulations 2006, SI No. 213, Reg B13(5)-(9)



sheltered housing). This decision will be made by the landlord at the point of advertising the property.

- 4.1.8 Where applicants are allowed to bid for a property that is larger than their minimum bedroom entitlement, partner landlords may prioritise applicants with a larger minimum bedroom entitlement within the same band. This decision will be made by the landlord at the point of advertising the property.



5 ALLOCATIONS AND LETTINGS

5.1 Advertising of Properties

- 5.1.1 Affordable properties for rent are advertised for a seven day period from Thursday to Wednesday. Private rented properties, shared ownership properties and other housing options are advertised at all times.
- 5.1.2 Properties are advertised on the HomeChoice North Somerset website, in the council gateway at Town Hall, Weston-super-Mare, and via a newsletter available from council libraries and scheme landlords.
- 5.1.3 Vulnerable applicants who are unable to access the website will be offered a service appropriate to them to ensure that they are aware of relevant properties.

5.2 Property Descriptions

- 5.2.1 Property adverts carry a photograph of the property or similar and always have a full description of the property. This description usually includes the following information:
 - Type (House, Flat etc)
 - Number and max occupancy of bedrooms
 - Location
 - Level of accessibility for those with mobility issues/wheelchair users
 - Services provided (sheltered housing scheme manager, caretaker etc)
 - Heating type
 - Age restrictions
 - Whether pets are allowed
 - Availability of outside space (garden etc) and parking
 - Rent and service charges (split weekly/monthly)
 - Special information (location of bus routes/ other amenities etc)
 - Whether it is for transfer applicants only
 - Whether customers with a 'local connection' get priority.

5.3 Labelling of Properties

- 5.3.1 Advertisements will also give information on who will be eligible to apply for the property. An adapted property suitable for someone in a wheelchair may be labelled to say that applicants must require such a property.



5.3.2 **Sheltered/Age-restricted Properties**

Scheme landlords may impose restrictions on the allocation of sheltered accommodation. Details can be obtained directly from the landlord. Advertised properties will also be labelled with information regarding the age/disability of an applicant who will be permitted to bid.

5.3.3 **Homeless Case Properties**

In order to fulfil its statutory duties towards the homeless and to create a through flow of temporary accommodation the council may label properties giving preference to households to whom the council has accepted a full homelessness duty or a homelessness prevention duty.

5.3.4 **Transfer Properties**

All the partner landlords are keen to ensure that they make the best use of their own stock. To achieve this, up to 25% of properties advertised will be labelled giving preference to existing tenants of that scheme landlord. The number of properties labelled as such will be monitored on a regular basis.

To create a sustainable community, the following properties may be let to transfer tenants:

- A property which needs to be let sensitively because of previous tenancy management problems in the property
- An estate where there are higher than average level of tenancy management issues.

Any properties will be let subject to the transfer quotas agreed in the Partnership Agreement. To assist in meeting their statutory responsibilities, the following properties will be advertised as available to all applicants on the HomeChoice Register:

- New build properties
- Adapted or accessible properties
- Large properties of 4 or more bedrooms

5.3.5 **Local Lettings Policies**

A property may be labelled in accordance with an agreed local lettings policy which may include rural exception sites and some new build sites which may be restricted to local residents through section 106 planning agreements.

5.3.6 **Sensitive Lets**

Sometimes landlords will request that the advertising of a vacant property is treated as a sensitive let. An example of this would be where the previous tenant has caused anti-social behaviour and it is important to get the right mix of



tenants in the area. The landlord and the local authority may agree that the applicant at the top of the shortlist is not suitable to be offered the property and agree to offer it to a more suitable applicant

5.4 Bidding for Properties

- 5.4.1 Where an applicant meets the eligibility criteria, they may bid for that property within the deadline given. Applicants will be able to make three bids per weekly cycle.
- 5.4.2 Applicants may bid for properties using a variety of methods:
- Online at www.homechoicensomerset.org.uk
 - Automated telephone bidding
 - In person at Town Hall, Weston-super-Mare.
- 5.4.3 Applicants will not be permitted to bid for other properties if they have an outstanding offer in place.
- 5.4.4 At the close of the bidding cycle and where an applicant appears at the top of more than one shortlist, the applicant will be contacted by the council or a scheme landlord and will be expected to select their preferred property and their details will be made available to the appropriate landlord. The other properties will be offered to the next suitable applicant on that shortlist

5.5 Selection Procedure

- 5.5.1 Once the advertisement deadline has passed, a report will be run from the computer system. This will list all the advertised properties and all the applicants who have applied for each of them. For each property advertised the successful applicant will be the one(s) who is in the highest band, with the most multiple amount of housing need, with the earliest effective date.
- 5.5.2 Prior to any offer, each successful applicant's details will be checked to ensure they are eligible for the property. In addition, the scheme landlord may carry out an individual risk assessment which may affect an offer being made. Only those applicants who meet the stated criteria and have a satisfactory risk assessment will be offered the property.
- 5.5.3 The name of the successful applicant will be forwarded to the agreed officer within each scheme landlord. Each individual landlord is responsible for the verification of the successful applicant (for example proof of ID and other relevant documentation). The council will be responsible for checking that the



applicant is in the right band. Each applicant will be given the opportunity to view the property before making a final decision on whether to accept or refuse. Assistance with viewing will be available if required.

~~5.5.4~~ If a scheme landlord cannot accept an applicant as a tenant for a property they have successfully bid upon ~~and wish to "skip" them on the shortlist~~ in line with the landlord's own lettings policy, this must first be agreed with the council, ~~and then the~~. The scheme landlord will contact the applicant to inform them they have not been considered for the property. ~~The scheme landlord must then move on to the next applicant in the shortlist order.~~

~~5.5.5~~ ~~Where the applicant has been refused by a scheme landlord, they have the right to a review of that decision. The applicant should request the review in writing within 21 days of being informed of the decision not to accept.~~

~~5.5.6~~ ~~5.5.4~~ ~~If a scheme landlord cannot accept an applicant as a tenant for a property they have successfully bid upon, this must first be agreed with the council. The scheme landlord will contact the applicant to inform them they have not been considered for the property.~~ In these circumstances, the scheme landlord will write to the applicant to:

- Explain their reasons for refusing ~~an~~the applicant, including their right to request a review of the decision in writing within 21 days of being informed of the decision not to accept.
- Inform the applicant of any properties they can be considered for;
- Include information on how to request a review by a scheme landlord senior manager ~~of any refusal made~~.

~~5.5.7~~ ~~5.5.5~~ If an applicant is refused for a property, it will be offered to the next viable applicant in shortlist order. Properties will not normally be kept available during a review appeal period.

~~5.5.8~~ ~~5.5.6~~ If an applicant's appeal is successful, the scheme landlord and the council will work in partnership to directly offer the applicant the next suitable property. In selecting the next suitable property, the HomeChoice team will consider the size and general area of the property the applicant was originally refused for. If the applicant refuses the directly offered property no further offer will be made, however the applicant can continue to bid for homes during and after this process, subject to the normal HomeChoice policy.

~~5.5.9~~ ~~5.5.7~~ If a property is subsequently withdrawn after an applicant has successfully bid, because for example the tenant of that particular property has failed to vacate the property or the property has been incorrectly labelled, the landlord will inform the successful applicant that the property is no longer available. If the property is not ready for occupation following a successful bid and the applicant is likely to



wait some considerable time before moving in, the landlord will inform the applicant and give them the option to bid for any other suitable properties or accept the offered property.

5.6 Refusals

5.6.1 If an applicant decides to refuse an offer of accommodation, either at the accompanied viewing, or when an initial verbal offer is made, the property will be offered to the next eligible applicant.

~~5.6.2 Applicants who refuse three suitable offers of accommodation may have their housing application cancelled, and be considered ineligible for a period of 12 months.~~

~~5.6.3 If a homeless applicant refuses an offer of suitable accommodation, the council may decide to discharge its duty under current homelessness legislation.~~

~~5.6.2 Applicants who have refused 1 offer of suitable accommodation will have their banding reduced by one band for 6 months. Applicants in band D who have refused 1 offer of suitable accommodation will no longer qualify to be registered for a period of 6 months. Applicants who have refused 2 offers of suitable accommodation will no longer qualify to be registered for a period of 12 months.~~

~~5.6.3 Those households 1) accepted as statutory homeless and owed a duty to be housed; or 2) who have been granted homeless status under section 166A (3) (a) (people who are homeless within the meaning of part VII of the Housing Act 1996) will lose their priority status banding homeless award if they refuse a suitable offer of accommodation unless they have another reason to be awarded priority banding. The offer of suitable accommodation made will also bring to an end any statutory homeless duty to any of these applicants under section 193(2) or 195(2) of the Housing Act 1996 and they will be warned of this consequence at the point the property is formally offered to them.
Note: if an applicant does not reply to an offer within 2 working days of receiving the offer it will be deemed to have been refused and the property will be offered to the next applicant on the register who qualifies for that offer.~~

5.6.4 If the Council makes what it considers to be a suitable offer of private rented sector accommodation and the applicant refuses it, the Council will review the level of priority awarded under the HomeChoice Policy and will normally withdraw the Band B priority for homelessness prevention unless it determines that exceptional circumstances exist.

5.6.5 Records will be maintained on the number of refusals for each property and the reason why the applicant decided to refuse.



5.7 Contrived circumstances

5.7.1 If an applicant has deliberately worsened their circumstances in order to qualify for additional priority on the register, their application will be assessed on their housing need before the change in circumstances.

5.7.2 Circumstances could include (but not limited to):

- An applicant sells a property that is affordable and suitable for the applicant's needs;
- An applicant moves from a secure property to an insecure or overcrowded property;
- An applicant increases the number of people in their household for no good reason.

5.7.3 The HomeChoice team will also consider whether an applicant has made a fraudulent application.

~~5.81.1 Exceptional circumstances~~

~~5.8.1 The policy may be departed from where the HomeChoice and Housing Advice Team Manager considers that an individual's exceptional circumstances warrant a departure from any part of this policy, has recorded reasons for that decision, and has the written/emailed agreement of another senior housing managers within North Somerset Council.~~

~~5.8.2 Any agreement to depart from this policy will be subject to review at an interval of every three months.~~

5.95.8 Feedback

~~5.9.15.8.1~~ An important part of the scheme is giving applicants feedback on who has recently been allocated properties. Accompanying each advertisement will be a feedback section giving details of the properties allocated, including:

- a) Property size and type
- b) Property location
- c) Number of applicants who applied for each property
- d) Band of successful applicant.



5.9.25.8.2 Using this information, applicants will be able to see where properties are more likely to become available and where they may have the best chances of making a successful 'bid'.

5.105.9 Direct Lets

5.10.15.9.1 Homelessness Duty

To discharge its statutory Homelessness Duty under s193(2) of the 1996 Act, the council may make a direct offer to any approved homeless applicant who has not secured accommodation under Part 6 of the Act within three months of being placed in Band A, or where such an applicant has not placed a bid in three months. The period of time may be extended where no suitable properties have become available or bids have been made but higher band cases have been successful.

5.10.25.9.2 Dangerous or Potentially Dangerous Offenders

Upon a referral from the Police, Probation Service or Home Office under the North Somerset Multi-Agency Protocol an offender may be made a direct offer of a property, regardless of their eligibility under chapter 2 of this policy.

Re-housing of dangerous offenders will be carried out in consultation with the relevant agencies to minimise the risk to the public and with the long term aim of influencing the successful accommodation and resettlement of the offender, thus minimising the risk of re-offending and protecting the public and victims of offenders.

5.10.35.9.3 KeyRing Applicants

Upon referral from the KeyRing supported housing project or similar, an applicant who requires a specific type of property in a specific area may be made a direct offer of a property, provided they are eligible under chapter 2 of this policy.

5.10.45.9.4 Other Direct Lets

The Council and all the scheme landlords are committed to advertising as many vacant properties as possible through the HomeChoice system. There will be occasions, however, when certain properties will not be advertised and maybe let directly, the reasons for these exclusions will be monitored. Some examples are:

- Extra care vacancies which are allocated jointly with the council's Adult Social Services directorate – there is a separate policy for this.
- Applicants who have succeeded a tenancy who need to move to alternative accommodation.



- Exceptional circumstances agreed between the council and scheme landlord.
- Properties required for existing tenants whose properties are subject to major works or changes of use requiring them to vacate.

If a

~~However, even if the~~ property has been excluded from the scheme, the let will still be processed as a direct let and the outcome of the letting will still be advertised.



6 GYPSY AND TRAVELLER PITCHES

6.1 Policy

~~6.1.1 North Somerset has a number of gypsy & traveller pitches in the District that are available to rent. Whilst they are outside the scope of our Choice Based Lettings Scheme, the same principles for allocation will apply to those applicants who wish to apply for a pitch.~~

~~6.1.2 Applicants eligible for a pitch are able to indicate on the HomeChoice application form whether they would be interested in a pitch. Those applications will then be assessed according to the HomeChoice Lettings and Assessment Policy. The banding award will be based on an assessment of how the allocation of a pitch would address their housing needs~~

~~6.1.3 If a pitch becomes available, the Council will nominate an applicant for the vacant pitch to the Registered Provider or allocate the pitch in the case of the pitch being provided by the council. The nomination or allocation will be based on the applicant's level of priority as assessed against this Lettings and Assessment Policy.~~

~~6.1.4 Except in exceptional circumstances, the applicant offered the pitch will be the person who has been in the highest priority group for the longest period of time. The applicant will be informed of the site make up (eg which particular community is mainly resident on the site) prior to nomination to determine whether they wish to proceed with the vacancy.~~

~~6.1.5 NB for the purposes of the policy, the definition of a gypsy and/or traveller is the meaning stated in SI 2006 No 3190 (The Housing (Assessment of Accommodation Needs)(Meaning of as set out below~~

~~"Gypsies and Travellers) (England) Regulations 2006 which states:" means-~~

~~For the purposes of section 225 of the Housing Act 2004 (duties of local housing authorities: accommodation needs of gypsies and travellers) "gypsies and travellers" means-~~

- a) persons with a cultural tradition of nomadism or of living in a caravan; and
- b) all other persons of a nomadic habit of life, whatever their race or origin, including-
 - i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old aged, have ceased to travel temporarily or permanently; and
 - ii) members of an organised group of travelling showpeople or circus people (whether or not travelling as such).



6.1.1 There are a number of gypsy & traveller pitches in North Somerset provided by the council and by Registered Providers that are available to rent. Whilst legally allocation of and nomination to these pitches falls outside the scope of the Housing Act 1996 and of our Choice Based Lettings Scheme, the same principles for allocation will apply to those applicants who wish to apply for a pitch.

6.1.2 Unless otherwise stated below, the terms of the HomeChoice North Somerset Lettings and Assessment Policy will apply.

6.2 Eligibility and Assessment

6.2.1 Local Connection

In place of the local connection criteria in section 2.2.1 of this policy, for the purpose of gypsy and traveller pitches a Gypsy and Traveller applicant qualifies to join the housing register if they:

- Have, by choice lived in North Somerset for two out of the last three consecutive years prior to application, where time living in North Somerset is aggregated over the 3 year period; or
- Have, by choice, previously lived in North Somerset for seven out of ten consecutive years, no more than five years prior to application, where time living in North Somerset is aggregated over the 10 year period; or
- Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed.

6.2.2 Band Assessment

A Gypsy and Traveller applicant's banding award for a gypsy and traveller pitch will be based on an assessment of how the allocation of a pitch would address their housing needs, using the criteria set out in Section 3 of this policy.

6.3 Allocation

6.3.1 Bidding

In place of the bidding process detailed in section 5.4 of this policy, applicants eligible for a pitch are required to indicate on their HomeChoice application whether they would be interested in a pitch.

6.3.2 Selection Process

In place of the selection process detailed in section 5.5 of this policy, if a pitch becomes available the Council will nominate an applicant for the vacant pitch to the Registered Provider, or allocate the pitch in the case of the pitch being provided by the council, taking into account any planning restrictions or landlord lettings policies for the pitches in question.



6.3.3 Offer

Except in exceptional circumstances, the applicant offered or nominated for a pitch will be the one who is in the highest band, with the most multiple housing needs, with the earliest effective date. The applicant will be informed of the site make up (e.g. which particular community is mainly resident on the site) prior to allocation or nomination to determine whether they wish to proceed with the vacancy.

6.3.4 Refusal Process

The procedures for a Registered Provider refusing an applicant detailed in sections 5.5.4 through 5.5.7 apply.



7 MONITORING AND REVIEW

7.1 Monitoring

7.1.1 A number of areas within the HomeChoice North Somerset system will be monitored on a regular basis to ensure that the system is operating in the most effective way. Areas to be monitored may include:

- Number of registrations received
- Percentage of applicants registered and notified within 21 days
- Number and percentage of applicants registered within each band
- Number of properties advertised by type, area, landlord
- Number of properties advertised with local connection label
- Number of properties with reasons excluded from the HomeChoice system, by landlord (i.e. decants)
- Number of bids and method of bidding
- Number of bids for each property by band
- Profile of those bidding (i.e. waiting list, transfer, homeless, disabled, ethnic background)
- Number of applicants bypassed for breach of tenancy conditions
- Number of accepted offers by band
- Number of tenancies refused at sign up
- Number of properties re-advertised due to difficulty in letting
- Number of review requests
- Number of applicants in short term supported housing awaiting active rehousing (following confirmation by scheme of readiness to move)
- Number of homeless applicants in Band A awaiting rehousing/(not bidding)
- Number of Band A applicants who have not bid for more than six months
- Number of Emergency Priority applicants awaiting rehousing
- Number of people housed by band

7.2 Equal Opportunities

7.2.1 All partners of HomeChoice North Somerset are committed to a fair and equitable housing policy and to providing equal opportunities for all when allocating available properties. All housing applicants will be assessed according to their housing need and in accordance with the published lettings policy

7.2.2 All partners of HomeChoice North Somerset are opposed to direct or indirect discrimination and recognise the need for appropriate systems to actively prevent discrimination on the basis of race, colour, ethnic or national origins, gender, sexuality, marital status, religion, physical disability or mental health. Any allegations or concerns that an organisation has not acted appropriately have to be made directly to that organisation. All partner landlords are publicly



accountable and have to have a complaints policy and an independent ombudsman.

- 7.2.3 Regular monitoring will also be carried out to ensure that the council complies with the Commission for Racial Equality's code of practice for rented housing.

7.3 Social Inclusion

- 7.3.1 All partners of HomeChoice North Somerset believe that applicants should be given every assistance to access the housing register and search for suitable properties. For example, the provision of the HomeChoice North Somerset 'Hotline' number will assist those applicants who experience literacy problems or who are either blind or partially sighted and unable to read the advertisements.

- 7.3.2 To further assist applicants the following methods may be used:

- Applicants potentially disadvantaged by the scheme will initially be identified from the application form. Staff will contact these applicants and offer them a home visit or interview. Staff will seek to establish what the support needs are and identify ways of enabling the applicants to participate in the HomeChoice North Somerset system. This may include sending copies of the advertisements in large print to an applicant or simply providing advice.
- If the applicant agrees, staff may contact any professional or voluntary workers from health or Social Services with whom the applicant is involved to ensure they understand the procedures and that necessary support is provided. All agencies funded through Supporting People should be in a position to provide their clients with help on housing issues.
- Disadvantaged applicants are able to nominate a person (including family members, friends or professional worker) to bid on their behalf or to help them bid for suitable properties.
- An alternative is for HomeChoice North Somerset staff to automatically put the applicants forward for vacancies that would be suitable, in the small number of cases where the applicant has no support.

7.4 False Information

- 7.4.1 Applicants who are found to have deliberately knowingly given false information on their HomeChoice application will have their application cancelled immediately, and ~~they~~ will be excluded from the Housing Register for ~~a minimum~~



of 3 years from the date they become eligible for the register, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3.

- 7.4.2 An immediate review of an application may also be undertaken if an applicant is found to have deliberately changed or worsened their housing situation in order to be placed into a band higher than they would normally have been awarded. If an applicant is rehoused through false information, steps may be taken to end the tenancy and court action may be taken which could result in the applicant receiving a fine up to a maximum of £5,000.
- 7.4.3 All landlords in this agreement are committed to taking legal action to evict any applicant found to have gained a tenancy based on false information in their application form. (Section 171 of the Housing Act 1996).

7.5 Access to Personal Information

- 7.5.1 Individuals are entitled under the Data Protection Act (1998) to request details of their personal data held by North Somerset Council. A charge may be made for providing this information.
- 7.5.2 The information received, in conjunction with housing applications, may be disclosed to other housing providers/RSLs but will only be retained if accommodation is to be provided. Any additional personal information obtained may also be provided to RSLs if they provide accommodation.

7.6 Policy Review

- 7.6.1 The HomeChoice North Somerset Scheme is regularly reviewed to ensure that the policy meets its stated objectives and complies with legislative changes. Any minor changes to the Lettings and Assessment Policy are implemented only after delegated authority has been received from the Executive Member and the majority agreement amongst the partner landlords.

7.7 Complaints

- 7.7.1 Any complaints about the applicants banding should be directed to the council. Complaints regarding the labelling of the property e.g. size, amenities etc should be referred to the individual landlord of the property. If a successful applicant is not offered the accommodation for any reason then any complaints regarding this should be directed to the landlord making this decision.



7.7.2 If an applicant is not satisfied with the action taken by either the council or a Registered Social Landlord and has exhausted the complaints procedure available, they can send a written complaint to the ombudsman.

7.7.3 The Housing Ombudsman Service can be contacted at:

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN

Tel: 0300 111 3000

Fax: 020 7831 1942

Email: info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk



APPENDIX A – HOMECHOICE NORTH SOMERSET SCHEME LANDLORDS

Alliance Homes
Anchor Housing Association
Aster Communities
Brunel Care
Curo
Elim
English Rural Housing Association
Guinness Partnership
Hanover
Housing 21
Knightstone
Places for People
Sanctuary
South Western Housing Society
Sovereign Housing
Stonewater
United Communities



APPENDIX B – MEDICAL ASSESSMENTS

When ill health, disability or old age is aggravated by housing conditions and would improve if other accommodation were offered, the award for medical consideration is a range from Band A to Band C. These bandings are reviewed annually on the date of the application renewal.

Band A: Urgent and potentially life-threatening problems

Band B: Urgent, but not life-threatening problems

Band C: Clear, but not urgent problems

When awarding additional priority on medical grounds, there are three questions that have to be considered:

1. Is there a direct link between the identified medical complaint and the current housing accommodation/situation?
2. Is there a realistic expectation that the identified medical condition would improve if alternative, more suitable accommodation was made available?
3. Are there properties available within the HomeChoice North Somerset system that would be more suitable for the applicant?

The HomeChoice Team will carefully consider any representation received and check the circumstances outlined with any banding award that may have previously been made. Where there is a need, a change to banding will be made.

To achieve this consistency in the allocation of banding under this heading a descending schedule is detailed below

Band A: Urgent and potentially life-threatening problems

This top category will be reserved for **exceptional** cases where an applicant's or tenant's life can in some way be said to be at risk because of associated medical and housing difficulties which are inherent in the existing accommodation.

Band B: Urgent, but not life-threatening problems

This again is a high banding category and should only be used to reflect urgent medical difficulties that have a clear relationship to existing housing circumstances. It is distinguished from the previous banding (i.e. high / life threatening problems) because in this instance the person's life cannot be considered to be at risk.

Band C: Clear, but not urgent problems

The degree of the problem is clearly less severe but must still have a clear relationship to existing housing conditions.



Procedure

The HomeChoice Team will carry out the majority of medical priority assessments. When an applicant indicates on their application that they have a medical need, they will be contacted by a Housing Options Assistant who will conduct a brief interview to discover if there is a medical condition that warrants assessment.

If the Housing Options Assistant assesses that there may be some medical priority due, they will send a self-assessment medical form to the applicant for them to complete so that the full medical details of the applicant can be gathered on a single form

The HomeChoice Team does not usually request an applicant or tenant to submit medical certificates or to obtain letters from their GP. The belief is held that this is a purely voluntary matter for the GP and patient. The Housing Team has no wish to create further work for doctors by insisting that medical certificates are produced before any application or transfer request is considered.

However, there will be occasions when the advice of North Somerset Primary Care Trust will need to be sought. For example, where an applicant's housing circumstances are affecting their mental health, or where a GP considers a patient requires High Priority as a result of a medical problem.

When determining what banding to award, staff should approach the matter from the standpoint of assessing what degree of need exists and, secondly, what adverse effect this has on the lifestyle of the household as a whole?

The important aspect is to make a decision on what banding should be awarded, and then record the rationale as to why bandings have been awarded at that particular level within the HomeChoice customer records management system.

The following list covers some of the main factors, which can be reflected in a banding award under Medical Considerations:

- An applicant's inability to manage stairs, control temperature, etc
- Applicants more or less confined to their existing accommodation
- Where present accommodation is causing an applicant's mental or physical disability.
- An applicant's restricted ability to fend for him/herself
- The need for adapted housing and/or extra facilities
- The need for sheltered or supported housing
- The for housing as part of a care plan



Medical priority cannot usually be awarded in any of the following circumstances:

- Disrepair problems
- Overcrowding
- Neighbour disputes
- Homelessness
- Pregnancy-related problems
- Inconvenient location
- Disability of someone who is not on your HomeChoice application
- If your situation can be resolved by adaptations or equipment
- Where the medical condition is as a result of a lifestyle choice (e.g. drug use)



APPENDIX C – WELFARE ASSESSMENTS

When an applicant's welfare is severely and detrimentally affected by their housing conditions and a move to alternative accommodation is urgently required, the award of a Band A welfare priority can be made. Please also note that welfare priority will only be awarded to a household, not to individual members of the family/household.

This again is a high banding award and should only be used to reflect urgent welfare difficulties that have a clear and urgent relationship to existing housing. Some of the areas that can be considered for a welfare award are as follows:

- The need to give or receive support;
- The need to recover from the physical effects of violence, threats, physical, emotional, sexual abuse etc;
- Young people at risk.

Any professional, for example a Social Worker, Support Worker or Housing Advice Officer, working with a person or their household can ask for a welfare award to be considered for a client.

The representative will need to provide a written report, with additional evidence to support any reasons to move that are beyond their scope (i.e. Police records), which will then be carefully considered by the HomeChoice Manager.

There is an expectation that applicants who are awarded Band A welfare place regular appropriate bids. All welfare applications are reviewed every 4 months and could result in the removal of welfare banding. Reasons for welfare banding being removed can be for example an applicant not placing regular bids or the reason welfare banding had been given is no longer relevant.



APPENDIX D – ROUGH SLEEPER & OTHER HOMELESS ASSESSMENTS

When an applicant claims to be rough sleeping, street homeless or sleeping in a vehicle then the award of a Band B rough sleeper can be made where it is assessed that the applicant finds themselves in this position through no fault of their own.

Before awarding additional priority for rough sleeping, a HomeChoice Manager, HomeChoice Officer or Housing Advice Officer must carry out an investigation considering the following questions:

1. What are the applicant's current housing circumstances (street homeless, in a tent, in a car, etc)?
2. Where has the applicant slept for the previous seven nights?
3. Where does the applicant intend to sleep for the next seven nights?
4. What toilet and washing facilities has the applicant been using?
5. Where was the applicant's last settled address?
6. Why can they no longer occupy that address?
7. Does the applicant have any other friends or family that could accommodate them?

The officer may also carry out an unannounced visit to the location the applicant states they may be sleeping to verify the information provided.

If, following this investigation, the officer believes that the applicant is sleeping rough with no fault of their own, then Band B rough sleeper can be awarded.

Other Homeless

Households owed a homeless duty by any other local housing authority under the Housing Act 1996 Part 7 s.188, s.190, s.198 or s.193, will be regarded as non-qualifying persons regardless of whether they have been placed in North Somerset or not. This is because that other local authority retains the responsibility for housing whether under s193, Housing Act 1996 or any other duty by which the other local authority retains responsibility for their accommodation. Households placed in North Somerset Council district under a homeless duty by another local authority who have been placed under that duty for more than 5 years will be allowed to qualify.



APPENDIX E – LIST OF VERIFICATION CHECKS MADE BY THE HOMECHOICE TEAM

During Thursday shortlisting calls:

- List of all individuals on the application;
- Confirm bedroom eligibility;
- Confirm current address;
- Confirm current property details;
- Confirm address history;
- Confirm employment (where relevant);
- Confirm income;
- Confirm current banding, and reasons or restrictions.

All other proofs, including an applicant's immigration status, proof of benefits received, income levels and tenancy history, will be carried out by the partner landlord at point of signup.



APPENDIX F – HARDSHIP

Awards for hardship ~~(Band C) can~~ be made awarded where applicants ~~who are Social Housing Tenants~~ have a need to move to a particular locality within North Somerset and that need to move is to avoid hardship (to themselves or others). Other than in exceptional circumstances this award will only be made where the, and need to move applicant needs to move to a particular locality in North Somerset and needs to move because the ~~tenant~~applicant works or has been offered work in North Somerset and has a genuine intention to take up the offer.

In determining whether to award Band C status regard will be had to paragraphs 16-34 of the DLGG Right to Move Statutory Guidance on Social Housing allocations for Local Authorities in England (March 2015). and The Allocation of Accommodation guidance for local housing authorities in England.

~~This banding will also be awarded where applicants have a need to move to a particular locality within North Somerset and that need to move is to avoid hardship (to themselves or others). Other than in exceptional circumstances this award will only be made where the applicant needs to move to a particular locality in North Somerset to avoid hardship, and need to move because the applicant works or has been offered work in North Somerset and has a genuine intention to take up the offer. In determining whether to award Band C status regard will be had to paragraphs 16-34 of the DLGG Right to Move Statutory Guidance on Social Housing allocations for Local Authorities in England (March 2015).~~



APPENDIX G – DWP BEDROOM STANDARD

Currently used to determine under occupation for housing benefit assessment, the DWP bedroom standard is used to determine lacking bedrooms banding. Under the DWP bedroom standard, each of the following require 1 bedroom:

- Couple
- Single adults aged 16 or over
- Two children of the same gender up to 15
- Two children of either gender up to 9.
- Any other single child
- An overnight carer where required.



APPENDIX H – PROTOCOL FOR HOUSING DANGEROUS OFFENDERS AND POTENTIALLY DANGEROUS OFFENDERS

There is a North Somerset Multi-Agency Protocol in dealing with dangerous offenders that allows the exchange information about any applicant who has been convicted of a serious offence. Any applicant who confirms on their application form, or who is suspected, or accused, of being a dangerous offender, will be subjected to the provisions set out in the information exchange protocol.

The North Somerset Multi-Agency Protocol is only for a specific offenders group and only covers referrals from the Public Protection Team and Avon and North Somerset Constabulary and does not guarantee the provision of a tenancy.

There is not a 'blanket ban' preventing dangerous offenders from being included on the housing register. However, before any known offender is offered housing, full consultation will be undertaken with the relevant agencies to assess the risks involved. Some dangerous offenders will be given a high priority so that the relevant agencies can continue to monitor them.

In the interests of public protection, it is essential that the Police and Probation Service are able to control and monitor the behaviour and activities of dangerous offenders. This task is made more difficult if such offenders do not have a fixed address or are housed in circumstances that make it difficult for the agencies to monitor them appropriately.

Re-housing of dangerous offenders will be carried out in consultation with the relevant agencies to minimise the risk to the public and with the long term aim of influencing the successful accommodation and resettlement of the offender, thus minimising the risk of re-offending and protecting the public and victims of offenders. The local authorities or Probation Service will bid on behalf of any applicant who falls within this category.



APPENDIX I – EXCEPTIONAL CIRCUMSTANCES

Where a person would not qualify for the register on the basis of either 1) not meeting the local connection residency rules or 2) they come under one of the exclusion criteria; but they believe that they still have a particular need to be housed in the North Somerset district due to exceptional circumstances they can submit an exceptional circumstances case through following the process set out in this appendix.

The Council retains the ability, in exceptional circumstances, to exercise its discretion when making decisions with regard to including persons on the Housing Register. Such cases will be referred to a panel of officers who will consider whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that the exclusion or qualification rules should be waived.

The Council will make contact with any applicant whom they believe has a communication difficulty and does not meet the eligibility criteria to enquire if they have any exceptional circumstances.

Please note that the Council cannot waive the eligibility rules for applicant's who are legally not allowed to access social housing due to the rules set by the Government and such cases will not be referred to the Officer Panel if a case is submitted.

The Council will only waive the qualification rules where the applicant's circumstances are considered exceptional. The following list contains examples of what might constitute exceptional circumstances. The list is for illustrative purposes only.

- Private sector tenants and residents of dwellings where the Council's Private Rented Housing Service has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the Council are satisfied that the problem cannot be resolved by the landlord within 12 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant or a member of their households' health and the household are not able to resolve their own housing problem by moving to alternative accommodation. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance.
- Where specialist health services and or social care perceive an applicant's housing condition is having a very serious impact on the applicant's health and re-housing is required to provide a basis for the provision of suitable care. Or where the applicant's health is so severely affected by the accommodation that it has become life threatening and the applicant's existing accommodation is the major contributory factor.

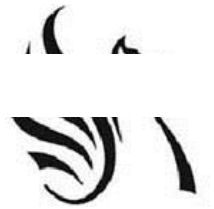


- Applicants who do not meet the North Somerset local connection rules but have an exceptional need to move due to substantial evidence of domestic abuse, extreme violence or extreme harassment or threats of violence and there is a high risk to the applicant or their family's safety if they remain in the dwelling/area. This may include where a move is necessary to protect a witness to criminal acts. It will also include certain MARAC cases where there are exceptional circumstances

In deciding whether an applicant's circumstances are exceptional the Panel will fully consider the Equality Act duties and the duty placed on the Council under Section 11 of the Children Act and will specifically consider:

- ✓ Whether the person, or a member of their household that they wish to be housed with them, meets the definition of a relevant protected characteristics listed in the Equality Act 2010 eg disability
- ✓ If the Council agrees that the applicant or a member of their household comes under the definition for a relevant protected characteristic it will fully comply with section 149 of 2010 Equality Act and ensure that it has obtained all relevant information relating to the applicant's relevant protected characteristic and will consider, if they were not able to qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with the relevant protected characteristic.
- ✓ The officer panel will ensure that any decision that the applicant's circumstances are not exceptional and that the applicant does not qualify for the North Somerset District Council housing register is a proportionate means of achieving a legitimate aim.

The Panel will also in considering whether an applicant's circumstances are exceptional take into account the general duty placed on the Council by section 11 of the Children Act 2004 and will ensure any decision is made having had full regard to the need to safeguard and promote the welfare of children. This will include the physical, psychological, social, educational and economic welfare of any children in the household.



LETTINGS AND ASSESSMENT POLICY

Version 6.6 – November 2017

Directorate: People and Communities



CONTENTS

1	Introduction.....	3
1.1	Introducing HomeChoice North Somerset.....	3
1.2	What is an allocation?	3
1.3	Statement on choice.....	3
1.4	Overview of the policy and process.....	4
1.5	Exceptional circumstances.....	4
1.6	Tenancy Types.....	4
1.7	Rent Levels	5
2	Eligibility and qualification.....	6
2.1	Eligibility	6
2.2	Qualifying Groups.....	6
2.3	Excluded Groups.....	7
2.4	Processes	9
3	Assessment of housing need	11
3.1	Policy.....	11
3.2	Assessment.....	11
3.3	Band A	12
3.4	Band B	14
3.5	Band C	15
3.6	Band D	17
3.7	Emergency Priority Band.....	17
3.8	Effective and Application Dates.....	17
3.9	Notification	18
3.10	Application Renewals	18
3.11	Cancelling Applications	19
3.12	Review Procedure	19
4	Bedroom Entitlement.....	20
4.1	Policy.....	20
5	Allocations and Lettings.....	22
5.1	Advertising of Properties	22
5.2	Property Descriptions	22
5.3	Labelling of Properties.....	22
5.4	Bidding for Properties.....	24
5.5	Selection Procedure	24
5.6	Refusals	25
5.7	Contrived circumstances	26
5.8	Feedback	27
5.9	Direct Lets	27
6	Gypsy and Traveller Pitches.....	29
6.1	Policy.....	29
6.2	Eligibility and Assessment.....	29
6.3	Allocation.....	30



7	Monitoring and Review	31
7.1	Monitoring	31
7.2	Equal Opportunities	31
7.3	Social Inclusion	32
7.4	False Information.....	32
7.5	Access to Personal Information.....	33
7.6	Policy Review	33
7.7	Complaints	33



1 INTRODUCTION

1.1 Introducing HomeChoice North Somerset

- 1.1.1 This document describes the HomeChoice North Somerset Scheme (“HomeChoice”) run by North Somerset Council (“the council”) in partnership with the majority of registered providers of social housing (“housing associations”) operating within North Somerset. It also sets out the procedures that the council follows in the allocation of affordable housing in its district.
- 1.1.2 The housing associations that are part of the scheme are known throughout this document as the scheme landlords. These are listed at Appendix A. A copy of the HomeChoice North Somerset Lettings Policy will be available free from the council or one of the scheme landlords, and is also available on the council’s website at www.n-somerset.gov.uk.

1.2 What is an allocation?

- 1.2.1 The allocation of housing by a housing authority is defined in s.159 of the 1996 Housing Act as:
- Selecting a person to be a secure or introductory tenant of housing accommodation held by them (i.e. by that housing authority);
 - Nominating a person to be a secure or introductory tenant of housing accommodation held by another person (i.e. another housing authority);
 - Nominating a person to be an assured tenant of housing accommodation held by a private registered provider (housing association).

1.3 Statement on choice

- 1.3.1 HomeChoice was introduced in April 2009 to introduce a Choice-Based Lettings (CBL) scheme, involving partnership of housing authorities and registered social landlords and working together with private landlords wherever possible is the best way to achieve the greatest choice and flexibility meeting applicant’s needs.
- 1.3.2 It is important to realise that the demand for accommodation is higher in some areas than others. In making a decision about the choices available, applicants need to consider their housing need priority against the availability of properties in any given area.



1.4 Overview of the policy and process

- 1.4.1 The Council assesses applications from customers who would like to rent affordable homes in order to determine:
- Whether they are eligible for an allocation;
 - Whether they qualify for an allocation;
 - The level of their housing need, assessed against four bands.
- 1.4.2 The council stores the information about eligible and qualifying applicants on an electronic data base known as its Housing Register. This information is shared with the scheme landlords.
- 1.4.3 Scheme landlords advertise their vacant properties in North Somerset to those on the Housing Register, including photographs and a description, on a weekly basis. Applicants may apply (“bid”) for their choice of properties as long as they meet the qualifying criteria for a particular property.
- 1.4.4 The successful applicant will be the person in the highest band, with the highest multiple amount of housing need and with the earliest effective date. An offer will then be made subject to a visit and subsequent acceptance by the potential landlord to confirm the details on the original application form. Incorrect information may result in the offer being withdrawn and the band re-assessed.
- 1.4.5 Feedback is provided to applicants on the level of demand for vacant properties previously advertised. This helps applicants to make more informed choices, including looking at the other housing options promoted through the scheme.

1.5 Exceptional circumstances

- 1.5.1 The policy may be departed from where the Team Manager considers that an individual’s exceptional circumstances warrant a departure from any part of this policy, has recorded reasons for that decision, and has the written/emailed agreement of another senior housing managers within North Somerset Council. See Appendix I for Exceptional Circumstances relating to HomeChoice qualification.

1.6 Tenancy Types



1.6.1 An applicant can be offered the following types of tenancies:

- Lifetime Tenancies; or
- Flexible Tenancies.

Both tenancies can be offered on either a Social Rent or an Affordable Rent basis. These terms are explained below.

1.6.2 **Lifetime Tenancies**

Lifetime tenancies remain available to a tenant for as long as the terms of the tenancy agreement are upheld. These are offered on an Assured Tenancy basis.

1.6.3 **Flexible Tenancies**

Flexible tenancies are offered for a fixed period of time and the tenancy ends on the last day of that period or term unless extended by a scheme landlord. The scheme landlords will decide their own typical length to offer a tenancy, but the recommendation from the council's tenancy strategy is 5 years.

1.7 Rent Levels

1.7.1 Both lifetime and flexible tenancies can be offered on a Social Rent or Affordable Rent basis.

1.7.2 **Social Rent**

Social rent is based on a formula set by government. It is usually less than an affordable rent.

1.7.3 **Affordable Rent**

Affordable rents are set at 80% of the market rent in the private sector.



2 ELIGIBILITY AND QUALIFICATION

2.1 Eligibility

- 2.1.1 Certain people from abroad, including some who are subject to immigration control, are not eligible for an allocation of affordable housing. These regulations are set by Government and updated regularly. The Council follows these regulations, which are available on request.
- 2.1.2 Applicants who are eligible for allocation as per the paragraph above must be over 16 years of age, and meet one or more of the criteria defined in section 2.2, to qualify for an allocation and join the housing register.
- 2.1.3 There are also a number of excluded groups, defined in section 2.3, that may disqualify an applicant from joining the housing register.

2.2 Qualifying Groups

An applicant qualifies to join the housing register if they:

2.2.1 Local Connection

- Have, by choice, lived in North Somerset for the three consecutive years preceding the date the application is made or reviewed; or
- Have, by choice, previously lived in North Somerset for ten consecutive years no more than five years prior to the date the application is made or reviewed; or
- Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed; or

2.2.2 Armed Forces personnel

- Are a member of the Armed Forces or former Service personnel, where the application is made within five years of discharge; or
- Are a bereaved spouse or civil partner of a member of the Armed Forces leaving Services Family Accommodation following the death (as a result of service) of their spouse or partner; or
- Are a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service; or

2.2.3 Homelessness

- Have had a full homelessness duty accepted by North Somerset Council under Part 7 of the Housing Act 1996; or
- Is homeless or threatened with homelessness, not accepted by North Somerset



Council under Part 7 of the Housing Act 1996, but would have a full duty if a homelessness application were determined (known as a “prevention duty”).

2.2.4 Social Housing tenants living outside North Somerset

- Are Social Housing Tenants who have a need to move to North Somerset to avoid hardship, and need to move because the tenant works or has been offered work in North Somerset and has a genuine intention to take up the offer. In determining this regard will be had to paragraphs 16-34 of the DLG Right to Move Statutory Guidance on Social Housing allocations for Local Authorities in England (March 2015)

2.2.5 For the purposes of this section, residence in the district is not of a person's choice if it is a consequence of serving in the Armed Forces or being detained under the authority of Act of Parliament or by being placed in the area to receive treatment or rehabilitation of any kind for any kind of dependency.

2.2.6 Please note: evidence of residence will need to be demonstrated by one of the following:- Electoral Register, Council Tax, Housing Benefit, Proof of Schooling, Working Tax Credit Documents, Child Benefit Documents, VAT or Income Tax Documents. Additionally, evidence of residence from agencies that have worked with/had knowledge of the household will also be considered.

2.3 Excluded Groups

An applicant is excluded from the housing register in the follow circumstances:

2.3.1 Owner-Occupiers

- Applicants who are owner-occupiers will be excluded from joining the Housing Register unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3. For the purposes of this section, owners of mobile homes are not considered to be owner-occupiers; or

2.3.2 Sufficient Financial Resources

- Single applicants with combined savings and annual income of more than £30,000, couples without dependents with combined savings and annual income of more than £35,000; or applicants with dependents with combined savings and annual income of more than £40,000 will be excluded from joining the Housing Register unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3. For the purposes of this section, this exclusion will not apply to those applicants wishing to apply for a Gypsy and Traveller Pitch. These figures are subject to annual review; or



2.3.3 **Intentionally Homeless**

- Applicants who are adjudged to be Intentionally Homeless under Part 7 of the Housing Act 1996 will be excluded from joining the Housing Register for a period of 3 years from the date of the decision, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or

2.3.4 **Anti-Social Behaviour**

- Applications containing an individual who has been found to be guilty of anti-social behaviour will be excluded from joining the Housing Register for a period of 3 years unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3. The definition of anti-social behaviour is that the person is guilty of unacceptable behaviour serious enough to make them unsuitable as a prospective tenant, and/or they have a conviction for ASB or have been subject to an anti-social behaviour contract (ASC); or

2.3.5 **Perpetrators of Hate Crime/Domestic Abuse**

- Applications containing an individual who has been convicted of racial harassment/abuse or another hate crime will be excluded from joining the Housing Register for a period of 3 years from the date of their conviction unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or
- Individuals who are identified as perpetrators of domestic abuse by the multi-agency risk assessment conference (MARAC) will be excluded from joining the Housing Register for a period of 3 years from the date their case is brought before the conference unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or

2.3.6 **Arrears/Council Debts**

- Applicants who owe any registered provider or private landlord more than £200 - in rent arrears or other rechargeable debts - will be excluded from the Housing Register until they have made twelve successive monthly repayments as part of an agreed payment plan or they have reduced their outstanding balance to below £200, whichever is the sooner, unless the landlord is working with the applicant to alleviate under-occupation, or they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or

- ### 2.3.7
- Applicants who have received loans to secure accommodation from the council's housing resource service will be prevented from bidding ("suspended") on the Housing Register if they fail to make their agreed repayments, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or
 - Applicants who, at the point of offer, are found to owe more than £200 in council tax will be prevented from bidding ("suspended") on the Housing Register until they have made twelve successive monthly repayments as part of an agreed payment plan or they have reduced their outstanding balance to below



£200 whichever is the sooner, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or

2.3.8 Penalty Clause

- Applicants who are found to have knowingly omitted information that would disqualify them, or have given false information to gain eligibility or improve their priority on the register, will be excluded from the Housing Register for 3 years from the date they become eligible for the register, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3.

For example, an applicant who states that they have lived in North Somerset for three years when in fact they have only lived in the district for two, will have their application cancelled. Once they meet the local connection criteria, they will be excluded for an additional 3 years before they are able to qualify.

2.4 Processes

- 2.4.1 Applicants can complete an initial application form to establish if they qualify for the Housing Register. If they are assessed as qualifying, they can then complete the full Housing Register application form to have their priority assessed.
- 2.4.2 Where the council decides that an applicant is ineligible or does not qualify for an allocation and to join the Housing Register, it will notify the applicant of that decision and the grounds for it in writing or via the HomeChoice website.
- 2.4.3 A request for a review of a decision should preferably be made in writing, and can be made by an applicant or a representative on behalf of the applicant within 21 days of the decision. The appeal should include information that the applicant believes has not been taken into account already or which further supports the original application or new information.
- 2.4.4 In order to be reassessed, applicants will be required to show how they may qualify. This will relate to the reasons for non-qualification and each applicant will be told their criteria for reassessment and possible qualification.
- 2.4.5 Applicants are responsible for notifying the HomeChoice Team of any change of circumstances or address that occur, as they may have an impact on their application. Any bids placed between the change of circumstances occurring and the application being re-assessed may be invalid, and can be withdrawn by a HomeChoice officer



-
- 2.4.6 Should an applicant's circumstances change resulting in them no longer being eligible, then their application will be closed. They may choose to re-apply should they become eligible again at a future date.
- 2.4.7 When an excluded applicant's exclusion expires, they may choose to re-apply to join the register, but will be required to demonstrate that the cause of their exclusion no longer applies. For example, with regards to anti-social behaviour, the applicant will have to provide evidence that they have maintained a tenancy with references.



3 ASSESSMENT OF HOUSING NEED

3.1 Policy

- 3.1.1 All applicants who are eligible and qualify to join the Housing Register will be assessed and placed in the appropriate priority band that represents their household's needs.
- 3.1.2 The law requires that reasonable preference for an allocation must be made in the following cases:
- (a) people who are homeless (within the meaning of Part 7 of the Housing Act 1996);
 - (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 (unhealthy) 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 others).
- 3.1.3 Preference can also be given to other categories of applications to meet local priorities.

3.2 Assessment

- 3.2.1 Based on housing need, all applications will be placed into one of four bands – A, B, C or D (see paragraphs 3.3-3.6) – or in exceptional circumstances placed into Emergency Priority Band (see paragraph 3.7).
- 3.2.2 Where an application has more than one housing need (HN) which appear in different bands, it will always be placed in the higher band.



- 3.2.3 If an application is in the same band as another, the applicant with the greatest number of higher band housing needs will have greater priority than those with less numbers of housing need.
- 3.2.4 If an application has the same number of housing needs as another, priority will be given to the application who has been waiting in that band for the longest period of time.
- 3.2.5 If an application has the same number of housing needs as another, and has been in that band for the same period of time, the date of application will be used to decide the order of the shortlist.
- 3.2.6 If two or more applicants are still assessed as equal on number of housing needs, period of time in that band and period of time on the shortlist, then any offer of property will be at the scheme landlord's discretion.

3.3 Band A

- 3.3.1 **Approved Homeless and 3+ months in Temporary Accommodation (HN)**
Except where paragraph 3.6.1 applies, applicants to whom North Somerset Council has accepted a full homeless duty under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002), and who have been resident in designated temporary accommodation for 3 months or more from the date of the acceptance of the duty.
- 3.3.2 **Urgent Medical Need (HN)**
The applicants, or someone in their household, have an urgent and potentially life-threatening need to move on medical grounds, where their health is directly and adversely affected by their current accommodation, and where a move would see a clear improvement in their health (see Appendix B).
- 3.3.3 **Urgent Welfare Need (HN)**
Applicants who have an urgent need to move on welfare grounds, where their welfare is aggravated by housing conditions and would improve if other accommodation were offered (see Appendix C).
- 3.3.4 **Lacking 3 Bedrooms (HN)**
Applicants who have access to three less bedrooms than their bedroom need as calculated using the DWP bedroom standard **UNLESS** evidence proves that the overcrowding is deliberate. For the purposes of this calculation, unborn children do not count towards the entitlement.



3.3.5 **Under-occupying 2+ bedrooms**

Applicants who are a tenant of a scheme landlord, resident within North Somerset, who are under-occupying their property by two or more bedrooms.

3.3.6 **Care Leavers**

Where North Somerset Council is the corporate parent and the Care Leaver is ready to live independently, or with floating support. The Housing Advice Officer for care leavers must confirm in writing that the applicant is ready for such a move and has acquired reasonable skills to sustain a tenancy.

Young people qualifying for Band A must be a North Somerset Care Leaver. The only other young people qualifying for Band A would be those who were adopted through North Somerset Council and this arrangement has broken down after their 16th Birthday and as a result the young person has had the option of being re-accommodated by the local authority and reunification has been unsuccessful; or where the young person is subject to a Special Guardianship Order and a full Leaving Care Duty is part of the Support Plan identified as a contingency by the Court that granted the Order.

3.3.7 **Foster Carers or Adopters**

- Applicants who need to be rehoused or housed by a scheme landlord because they are either a foster carer who needs larger accommodation to foster more children, or intend promptly to become a foster carer and requires larger accommodation in order to perform this role. Applicants must have approved Foster Carer status as approved by North Somerset Council's fostering service.
- Applicants who need to be rehoused or housed by a scheme landlord because they intend promptly to adopt a child via North Somerset Council's adoption service and require accommodation in order to perform this role.
- Applicants who need to be rehoused or housed by a scheme landlord because they have taken a special guardianship order (SGO) and need larger accommodation to perform this role.

3.3.8 **Disabled Adaptations**

Applicants requiring an adapted property where their current property cannot easily be adapted practically and/or economically, and a move has been agreed as a preferred option by the Housing Adaptation Service in lieu of a Disabled Facilities Grant.



3.4 Band B

3.4.1 Approved Homeless (HN)

Except where paragraph 3.6.1 applies, Applicants to whom North Somerset Council has accepted a full homeless duty under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002).

3.4.2 Homelessness Prevention (HN)

Except where paragraph 3.6.1 applies, Applicants who are homeless or threatened with homelessness, not yet accepted by North Somerset Council under Part 7 of the Housing Act 1996, but would have a full duty accepted if a homelessness application were to be determined.

3.4.3 Significant Medical Need (HN)

The applicants, or someone in their household, have an urgent but not life-threatening need to move on medical grounds, where their health is directly and adversely affected by their current accommodation, and where a move would see a clear improvement in their health (see Appendix B).

3.4.4 Lacking 2 Bedrooms (HN)

Applicants who have access to two less bedrooms than their bedroom need as calculated using the DWP bedroom standard **UNLESS** evidence proves that the overcrowding is deliberate. For the purposes of this calculation, unborn children do not count towards the entitlement.

3.4.5 Under-occupying 1 bedroom

Applicants who are a tenant of a scheme landlord, resident within North Somerset, who are under-occupying their property by one bedroom.

3.4.6 Rough Sleepers

Applicants assessed as sleeping rough (street homeless, in a tent or in their car) by a HomeChoice Manager, HomeChoice Officer or Housing Advice Officer (see Appendix D).

3.4.7 Category 1 Hazard (HN)

The applicant's home is dangerous due to a Housing Act 2004 Category 1 Hazard existing, and where there is no prospect of the Hazard being remedied. The council's Private Rented Housing Service must confirm the presence of a Category 1 Hazard and that it would be more appropriate for the applicant to be re-housed. This includes verification from the council's Private Rented Housing Service that a gypsy and traveller/mobile home pitch is overcrowded and that the applicants require a move to a larger pitch.



3.4.8 **Supported Housing 'Move-On'**

i. Applicants who live within a Supporting People funded Supported Housing project in North Somerset and are seeking to 'move-on' into independent accommodation. This does not apply to applicants whose placement is to receive treatment or rehabilitation of any kind for any kind of dependency. This only applies to applicants who met the local connection criteria in paragraph 2.2.1 at the time of the original referral and acceptance into the supported housing project.

The Project Manager must confirm in writing that the applicant is ready for such a move and has acquired reasonable skills to sustain a tenancy or has the necessary support in place to do so. The case will then be considered by the HomeChoice Manager as to whether the applicant meets all the criteria to move into Band B.

or

ii. Applicants who live in residential or nursing care settings and are seeking to 'move-on' into independent accommodation. This does not apply to applicants whose placement is to receive treatment or rehabilitation of any kind for any kind of dependency. This only applies to applicants who met the local connection criteria as set out in paragraph 2.2.1 at the time of their move into their current accommodation.

The Adults' Support and Safeguarding team leader responsible for that service user must confirm in writing that the applicant is ready to live independently and has the necessary care and support in place to do so. The case will then be considered by the HomeChoice Manager as to whether the applicant meets all the criteria to move into Band B.

3.4.9 **Gypsies and Travellers**

Gypsy and Traveller applicants who are living in bricks and mortar to which they have a cultural aversion and wish to move to a gypsy and traveller pitch.

3.5 Band C

3.5.1 **Minor Medical Need (HN)**

The applicants, or someone in their household, have a clear but not urgent need to move on medical grounds, where their health is directly and adversely affected by their current accommodation, and where a move would see a clear improvement in their health (see Appendix B).



3.5.2 **Sharing Basic Facilities (HN)**

Applicants sharing basic facilities such as toilets, bathrooms and kitchens with people unrelated to everyone in their household.

3.5.3 **Lacking 1 Bedroom (HN)**

Applicants who have access to one less bedroom than their bedroom need as calculated using the DWP bedroom standard **UNLESS** evidence proves that the overcrowding is deliberate. For the purposes of this calculation, unborn children do not count towards the entitlement.

3.5.4 **Other Homeless Applicants (HN)**

Applicants who North Somerset Council has assessed as homeless under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) but no duty applies, and those who have nowhere to live (e.g. No Fixed Abode 'NFA').

3.5.5 **Former armed forces member (HN)**

Applicants who are either

(a) former members of the Armed Forces,

(b) serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service,

(c) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, or

(d) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

3.5.6 **Employed Applicants**

Applicants whose principal home is in North Somerset and are employed for a minimum of 16 hours per week.

3.5.7 **Unable to Work**

Applicants in receipt of Employment and Support Allowance (ESA) or Pension Credit.

3.5.8 **Mobility / Hardship (HN)**

Applicants who are Social Housing Tenants who have a need to move to a particular locality in North Somerset to avoid hardship, and need to move because the tenant works or has been offered work in North Somerset and has a genuine intention to take up the offer (see appendix F); or

Applicants who have a need to a move to a particular locality within North Somerset and that need to move is to avoid hardship (see appendix F).



3.6 Band D

3.6.1 Homeless Demoted Applicants

Applicants who would ordinarily be excluded or suspended from the register under paragraphs 2.3.4, 2.3.5 or 2.3.6, but fall into one of the homelessness qualifying groups defined in paragraph 2.2.3. These applicants will be offered support to assist in addressing any issues and will have regular reviews. Following reviews applications may be reinstated to the assessed level.

3.6.2 No other housing needs

Applicants who do not meet any of the criteria for Bands A to C will be placed in Band D.

3.7 Emergency Priority Band

3.7.1 *Note:* Awarding of Emergency Priority Band can only be made with the written/emailed agreement of two members of a group including the senior housing managers within North Somerset Council, and senior managers of the scheme landlords.

3.7.2 Emergency Priority Band will only be issued to any applicant who requires an 'urgent' move to ensure the applicants safety and welfare for whatever reason. Substantial evidence must exist before such a priority is awarded. This priority may be awarded where circumstances could include where the Police recommend an urgent move to escape violence or threats of violence, or where the applicant, or a member of their household, has suffered a sudden 'traumatic event' and living within their home will cause considerable distress (e.g. serious sexual assault, etc).

3.7.3 Emergency Priority Band is time limited and will last for 28 days. If the applicant has not applied for a property suitable for their needs (size, type, adaptations etc.) within that time their Emergency Priority Band will be reviewed by the Assessment Panel and if not renewed the applicant will be placed in the appropriate band for their needs. If no suitable vacancy has arisen within this time then the Emergency Priority Band will be renewed automatically.

3.8 Effective and Application Dates

3.8.1 All applications will be given an "Effective Date". This will be used when allocating properties, to determine how long an applicant has been in their current banding.



- 3.8.2 An application's Effective Date is determined by the date that the evidence was received for their eligibility for that banding, regardless of when that evidence was actually assessed.
- 3.8.3 Applications will also have an "Application Date", which is the date the applicant first applied to join the housing register, to determine how long an applicant has been on the HomeChoice Register.
- 3.8.4 Where an applicant whose application has previously been closed wishes to re-join the housing register at a later date, their new Application Date will be the date they re-apply.

3.9 Notification

- 3.9.1 Once an application has been assessed and entered onto the HomeChoice Register, the applicant will receive a letter within 21 days confirming their application details. This notification will include:
- a) The band in which the applicant has been placed (A, B, C or D),
 - b) The size property the applicant is eligible for (see section 4),
 - c) A personal reference number to allow bidding,
 - d) A reminder about informing us of any change in circumstances, and
 - e) The HomeChoice North Somerset review procedure (see paragraph 3.10).
- 3.9.2 Once applicants have been entered on the HomeChoice Register and notified of banding and reference number, they can start to look for a property of their choice (see section 5).

3.10 Application Renewals

3.10.1 Annual Renewals

Every 12 months from the date of their application or their last renewal, all applicants will be sent a renewal email or letter advising them to complete an online renewal. If the renewal is not completed within 28 days their application will be cancelled, as set out below.

3.10.2 No-Bid Renewals

Periodically where an applicant has not bid for any available properties for the previous year, they will be contacted to see if they still wish to remain on the HomeChoice North Somerset Register. If there is no response within 28 days, their application will be cancelled, as set out below.



3.11 Cancelling Applications

- 3.11.1 An application will be cancelled from the HomeChoice North Somerset Register in the following circumstances:
- At the request of an applicant;
 - Where an applicant ceases to qualify or becomes excluded;
 - Where an applicant does not maintain their application through the renewals process or no-bid renewals process;
 - Where the applicant moves and does not provide a contact address;
 - When a tenant completes a mutual exchange;
 - Where the applicant has died.
- 3.11.2 Any applicant whose application has been cancelled has the right to ask for a review of the decision.
- 3.11.3 If the applicant contacts the council within 28 days of their application being cancelled and indicates that they still wish to be considered for housing the application will be reinstated from their last applicable date in band.

3.12 Review Procedure

- 3.12.1 Once an applicant has been notified via email or letter of the band in which they have been placed or their ineligibility, they will have a right to request a review against the assessment. The request must be submitted made in writing and sent to the council within 21 days of the date on the notification letter and include the reason why the applicant believes their banding or ineligibility is wrong together with any additional information that the applicant believes is relevant.
- 3.12.2 The request for a review will be acknowledged by the council within seven days. A Senior Officer who played no part in the original assessment will carry out the review and respond via email or letter, to the applicant within 28 days of the receipt of the review letter. Following the review, the applicant will be informed in writing of the outcome and the reasons for it.



4 BEDROOM ENTITLEMENT

4.1 Policy

- 4.1.1 Applicants will be able to bid for selected properties, which match the needs of their household in line with the Housing Benefit Regulations¹, namely one bedroom for:
- each adult couple;
 - each other person over 16;
 - two resident children of the same sex under 16;
 - two resident children under 10, regardless of their sex;
 - a disabled child who cannot share a bedroom with another child because of their disability;
 - any other single resident child left;
 - an overnight carer for a disabled person.
- 4.1.2 Applicants calculated as needing more than 4 bedrooms will be entitled to bid for 4-bedroom or 5-bedroom properties.
- 4.1.3 Children are considered to be resident where they stay with the applicant for more than four nights per week or seven nights each fortnight. This is subject to satisfactory evidence being submitted to support access/residency right.
- 4.1.4 Non-dependent visiting children will not be considered part of the household for bedroom entitlement calculations.
- 4.1.5 For applicants who are pregnant, the unborn child will be classed as a child for the purposes of property size eligibility only. Where a household already has another child (other children), the unborn child will be classed as the same sex as the youngest child. Unborn children do **not** count towards whether an applicant is lacking in bedrooms.
- 4.1.6 Houses with their own gardens will be restricted to applicants with resident children under 16, and some upper floor properties will be restricted to applicants without children under 10. This decision will be made by the landlord at the point of advertising the property.
- 4.1.7 Partner landlords may, at their discretion, advertise properties outside of these criteria and permit under occupation where necessary (for example, to allow applicants with a 1-bedroom need to bid for a harder-to-let 2-bedroom flat or

¹ The Housing Benefit Regulations 2006, SI No. 213, Reg B13(5)-(9)



sheltered housing). This decision will be made by the landlord at the point of advertising the property.

- 4.1.8 Where applicants are allowed to bid for a property that is larger than their minimum bedroom entitlement, partner landlords may prioritise applicants with a larger minimum bedroom entitlement within the same band. This decision will be made by the landlord at the point of advertising the property.



5 ALLOCATIONS AND LETTINGS

5.1 Advertising of Properties

- 5.1.1 Affordable properties for rent are advertised for a seven day period from Thursday to Wednesday. Private rented properties, shared ownership properties and other housing options are advertised at all times.
- 5.1.2 Properties are advertised on the HomeChoice North Somerset website, in the council gateway at Town Hall, Weston-super-Mare, and via a newsletter available from council libraries and scheme landlords.
- 5.1.3 Vulnerable applicants who are unable to access the website will be offered a service appropriate to them to ensure that they are aware of relevant properties.

5.2 Property Descriptions

- 5.2.1 Property adverts carry a photograph of the property or similar and always have a full description of the property. This description usually includes the following information:
- Type (House, Flat etc)
 - Number and max occupancy of bedrooms
 - Location
 - Level of accessibility for those with mobility issues/wheelchair users
 - Services provided (sheltered housing scheme manager, caretaker etc)
 - Heating type
 - Age restrictions
 - Whether pets are allowed
 - Availability of outside space (garden etc) and parking
 - Rent and service charges (split weekly/monthly)
 - Special information (location of bus routes/ other amenities etc)
 - Whether it is for transfer applicants only
 - Whether customers with a 'local connection' get priority.

5.3 Labelling of Properties

- 5.3.1 Advertisements will also give information on who will be eligible to apply for the property. An adapted property suitable for someone in a wheelchair may be labelled to say that applicants must require such a property.



5.3.2 **Sheltered/Age-restricted Properties**

Scheme landlords may impose restrictions on the allocation of sheltered accommodation. Details can be obtained directly from the landlord. Advertised properties will also be labelled with information regarding the age/disability of an applicant who will be permitted to bid.

5.3.3 **Homeless Case Properties**

In order to fulfil its statutory duties towards the homeless and to create a through flow of temporary accommodation the council may label properties giving preference to households to whom the council has accepted a full homelessness duty or a homelessness prevention duty.

5.3.4 **Transfer Properties**

All the partner landlords are keen to ensure that they make the best use of their own stock. To achieve this, up to 25% of properties advertised will be labelled giving preference to existing tenants of that scheme landlord. The number of properties labelled as such will be monitored on a regular basis.

To create a sustainable community, the following properties may be let to transfer tenants:

- A property which needs to be let sensitively because of previous tenancy management problems in the property
- An estate where there are higher than average level of tenancy management issues.

Any properties will be let subject to the transfer quotas agreed in the Partnership Agreement. To assist in meeting their statutory responsibilities, the following properties will be advertised as available to all applicants on the HomeChoice Register:

- New build properties
- Adapted or accessible properties
- Large properties of 4 or more bedrooms

5.3.5 **Local Lettings Policies**

A property may be labelled in accordance with an agreed local lettings policy which may include rural exception sites and some new build sites which may be restricted to local residents through section 106 planning agreements.

5.3.6 **Sensitive Lets**

Sometimes landlords will request that the advertising of a vacant property is treated as a sensitive let. An example of this would be where the previous tenant has caused anti-social behaviour and it is important to get the right mix of



tenants in the area. The landlord and the local authority may agree that the applicant at the top of the shortlist is not suitable to be offered the property and agree to offer it to a more suitable applicant

5.4 Bidding for Properties

- 5.4.1 Where an applicant meets the eligibility criteria, they may bid for that property within the deadline given. Applicants will be able to make three bids per weekly cycle.
- 5.4.2 Applicants may bid for properties using a variety of methods:
- Online at www.homechoicensomerset.org.uk
 - Automated telephone bidding
 - In person at Town Hall, Weston-super-Mare.
- 5.4.3 Applicants will not be permitted to bid for other properties if they have an outstanding offer in place.
- 5.4.4 At the close of the bidding cycle and where an applicant appears at the top of more than one shortlist, the applicant will be contacted by the council or a scheme landlord and will be expected to select their preferred property and their details will be made available to the appropriate landlord. The other properties will be offered to the next suitable applicant on that shortlist

5.5 Selection Procedure

- 5.5.1 Once the advertisement deadline has passed, a report will be run from the computer system. This will list all the advertised properties and all the applicants who have applied for each of them. For each property advertised the successful applicant will be the one(s) who is in the highest band, with the most multiple amount of housing need, with the earliest effective date.
- 5.5.2 Prior to any offer, each successful applicant's details will be checked to ensure they are eligible for the property. In addition, the scheme landlord may carry out an individual risk assessment which may affect an offer being made. Only those applicants who meet the stated criteria and have a satisfactory risk assessment will be offered the property.
- 5.5.3 The name of the successful applicant will be forwarded to the agreed officer within each scheme landlord. Each individual landlord is responsible for the verification of the successful applicant (for example proof of ID and other relevant documentation). The council will be responsible for checking that the



applicant is in the right band. Each applicant will be given the opportunity to view the property before making a final decision on whether to accept or refuse. Assistance with viewing will be available if required.

- 5.5.4 If a scheme landlord cannot accept an applicant as a tenant for a property they have successfully bid upon in line with the landlord's own lettings policy, this must first be agreed with the council. The scheme landlord will contact the applicant to inform them they have not been considered for the property. In these circumstances, the scheme landlord will write to the applicant to:
- Explain their reasons for refusing the applicant, including their right to request a review of the decision in writing within 21 days of being informed of the decision not to accept.
 - Inform the applicant of any properties they can be considered for;
 - Include information on how to request a review by a scheme landlord senior manager.
- 5.5.5 If an applicant is refused for a property, it will be offered to the next viable applicant in shortlist order. Properties will not normally be kept available during a review appeal period.
- 5.5.6 If an applicant's appeal is successful, the scheme landlord and the council will work in partnership to directly offer the applicant the next suitable property. In selecting the next suitable property, the HomeChoice team will consider the size and general area of the property the applicant was originally refused for. If the applicant refuses the directly offered property no further offer will be made, however the applicant can continue to bid for homes during and after this process, subject to the normal HomeChoice policy.
- 5.5.7 If a property is subsequently withdrawn after an applicant has successfully bid, because for example the tenant of that particular property has failed to vacate the property or the property has been incorrectly labelled, the landlord will inform the successful applicant that the property is no longer available. If the property is not ready for occupation following a successful bid and the applicant is likely to wait some considerable time before moving in, the landlord will inform the applicant and give them the option to bid for any other suitable properties or accept the offered property.

5.6 Refusals

- 5.6.1 If an applicant decides to refuse an offer of accommodation, either at the accompanied viewing, or when an initial verbal offer is made, the property will be offered to the next eligible applicant.



- 5.6.2 Applicants who have refused 1 offer of suitable accommodation will have their banding reduced by one band for 6 months. Applicants in band D who have refused 1 offer of suitable accommodation will no longer qualify to be registered for a period of 6 months. Applicants who have refused 2 offers of suitable accommodation will no longer qualify to be registered for a period of 12 months.
- 5.6.3 Those households 1) accepted as statutory homeless and owed a duty to be housed; or 2) who have been granted homeless status under section 166A (3) (a) (people who are homeless within the meaning of part VII of the Housing Act 1996) will lose their priority status banding homeless award if they refuse a suitable offer of accommodation unless they have another reason to be awarded priority banding. The offer of suitable accommodation made will also bring to an end any statutory homeless duty to any of these applicants under section 193(2) or 195(2) of the Housing Act 1996 and they will be warned of this consequence at the point the property is formally offered to them.
Note: if an applicant does not reply to an offer within 2 working days of receiving the offer it will be deemed to have been refused and the property will be offered to the next applicant on the register who qualifies for that offer.
- 5.6.4 If the Council makes what it considers to be a suitable offer of private rented sector accommodation and the applicant refuses it, the Council will review the level of priority awarded under the HomeChoice Policy and will normally withdraw the Band B priority for homelessness prevention unless it determines that exceptional circumstances exist.
- 5.6.5 Records will be maintained on the number of refusals for each property and the reason why the applicant decided to refuse.

5.7 Contrived circumstances

- 5.7.1 If an applicant has deliberately worsened their circumstances in order to qualify for additional priority on the register, their application will be assessed on their housing need before the change in circumstances.
- 5.7.2 Circumstances could include (but not limited to):
- An applicant sells a property that is affordable and suitable for the applicant's needs;
 - An applicant moves from a secure property to an insecure or overcrowded property;
 - An applicant increases the number of people in their household for no good reason.



- 5.7.3 The HomeChoice team will also consider whether an applicant has made a fraudulent application.

5.8 Feedback

- 5.8.1 An important part of the scheme is giving applicants feedback on who has recently been allocated properties. Accompanying each advertisement will be a feedback section giving details of the properties allocated, including:
- a) Property size and type
 - b) Property location
 - c) Number of applicants who applied for each property
 - d) Band of successful applicant.
- 5.8.2 Using this information, applicants will be able to see where properties are more likely to become available and where they may have the best chances of making a successful 'bid'.

5.9 Direct Lets

5.9.1 Homelessness Duty

To discharge its statutory Homelessness Duty under s193(2) of the 1996 Act, the council may make a direct offer to any approved homeless applicant who has not secured accommodation under Part 6 of the Act within three months of being placed in Band A, or where such an applicant has not placed a bid in three months. The period of time may be extended where no suitable properties have become available or bids have been made but higher band cases have been successful.

5.9.2 Dangerous or Potentially Dangerous Offenders

Upon a referral from the Police, Probation Service or Home Office under the North Somerset Multi-Agency Protocol an offender may be made a direct offer of a property, regardless of their eligibility under chapter 2 of this policy.

Re-housing of dangerous offenders will be carried out in consultation with the relevant agencies to minimise the risk to the public and with the long term aim of influencing the successful accommodation and resettlement of the offender, thus minimising the risk of re-offending and protecting the public and victims of offenders.

5.9.3 KeyRing Applicants

Upon referral from the KeyRing supported housing project or similar, an applicant who requires a specific type of property in a specific area may be made



a direct offer of a property, provided they are eligible under chapter 2 of this policy.

5.9.4 **Other Direct Lets**

The Council and all the scheme landlords are committed to advertising as many vacant properties as possible through the HomeChoice system. There will be occasions, however, when certain properties will not be advertised and maybe let directly, the reasons for these exclusions will be monitored. Some examples are:

- Extra care vacancies which are allocated jointly with the council's Adult Social Services directorate – there is a separate policy for this.
- Applicants who have succeeded a tenancy who need to move to alternative accommodation.
- Exceptional circumstances agreed between the council and scheme landlord.
- Properties required for existing tenants whose properties are subject to major works or changes of use requiring them to vacate.

If a property has been excluded from the scheme, the let will still be processed as a direct let and the outcome of the letting will still be advertised.



6 GYPSY AND TRAVELLER PITCHES

6.1 Policy

NB for the purposes of the policy, the definition of a gypsy and/or traveller is as set out below

“Gypsies and Travellers” means-

- a) persons with a cultural tradition of nomadism or of living in a caravan; and
- b) all other persons of a nomadic habit of life, whatever their race or origin, including-
 - i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old aged, have ceased to travel temporarily or permanently; and
 - ii) members of an organised group of travelling showpeople or circus people (whether or not travelling as such).

6.1.1 There are a number of gypsy & traveller pitches in North Somerset provided by the council and by Registered Providers that are available to rent. Whilst legally allocation of and nomination to these pitches falls outside the scope of the Housing Act 1996 and of our Choice Based Lettings Scheme, the same principles for allocation will apply to those applicants who wish to apply for a pitch.

6.1.2 Unless otherwise stated below, the terms of the HomeChoice North Somerset Lettings and Assessment Policy will apply.

6.2 Eligibility and Assessment

6.2.1 Local Connection

In place of the local connection criteria in section 2.2.1 of this policy, for the purpose of gypsy and traveller pitches a Gypsy and Traveller applicant qualifies to join the housing register if they:

- Have, by choice lived in North Somerset for two out of the last three consecutive years prior to application, where time living in North Somerset is aggregated over the 3 year period; **or**
- Have, by choice, previously lived in North Somerset for seven out of ten consecutive years, no more than five years prior to application, where time living in North Somerset is aggregated over the 10 year period; **or**
- Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed.



6.2.2 **Band Assessment**

A Gypsy and Traveller applicant's banding award for a gypsy and traveller pitch will be based on an assessment of how the allocation of a pitch would address their housing needs, using the criteria set out in Section 3 of this policy.

6.3 **Allocation**

6.3.1 **Bidding**

In place of the bidding process detailed in section 5.4 of this policy, applicants eligible for a pitch are required to indicate on their HomeChoice application whether they would be interested in a pitch.

6.3.2 **Selection Process**

In place of the selection process detailed in section 5.5 of this policy, if a pitch becomes available the Council will nominate an applicant for the vacant pitch to the Registered Provider, or allocate the pitch in the case of the pitch being provided by the council, taking into account any planning restrictions or landlord lettings policies for the pitches in question.

6.3.3 **Offer**

Except in exceptional circumstances, the applicant offered or nominated for a pitch will be the one who is in the highest band, with the most multiple housing needs, with the earliest effective date. The applicant will be informed of the site make up (e.g. which particular community is mainly resident on the site) prior to allocation or nomination to determine whether they wish to proceed with the vacancy.

6.3.4 **Refusal Process**

The procedures for a Registered Provider refusing an applicant detailed in sections 5.5.4 through 5.5.7 apply.



7 MONITORING AND REVIEW

7.1 Monitoring

7.1.1 A number of areas within the HomeChoice North Somerset system will be monitored on a regular basis to ensure that the system is operating in the most effective way. Areas to be monitored may include:

- Number of registrations received
- Percentage of applicants registered and notified within 21 days
- Number and percentage of applicants registered within each band
- Number of properties advertised by type, area, landlord
- Number of properties advertised with local connection label
- Number of properties with reasons excluded from the HomeChoice system, by landlord (i.e. decants)
- Number of bids and method of bidding
- Number of bids for each property by band
- Profile of those bidding (i.e. waiting list, transfer, homeless, disabled, ethnic background)
- Number of applicants bypassed for breach of tenancy conditions
- Number of accepted offers by band
- Number of tenancies refused at sign up
- Number of properties re-advertised due to difficulty in letting
- Number of review requests
- Number of applicants in short term supported housing awaiting active rehousing (following confirmation by scheme of readiness to move)
- Number of homeless applicants in Band A awaiting rehousing/(not bidding)
- Number of Band A applicants who have not bid for more than six months
- Number of Emergency Priority applicants awaiting rehousing
- Number of people housed by band

7.2 Equal Opportunities

7.2.1 All partners of HomeChoice North Somerset are committed to a fair and equitable housing policy and to providing equal opportunities for all when allocating available properties. All housing applicants will be assessed according to their housing need and in accordance with the published lettings policy

7.2.2 All partners of HomeChoice North Somerset are opposed to direct or indirect discrimination and recognise the need for appropriate systems to actively prevent discrimination on the basis of race, colour, ethnic or national origins, gender, sexuality, marital status, religion, physical disability or mental health. Any allegations or concerns that an organisation has not acted appropriately have to be made directly to that organisation. All partner landlords are publicly



accountable and have to have a complaints policy and an independent ombudsman.

- 7.2.3 Regular monitoring will also be carried out to ensure that the council complies with the Commission for Racial Equality's code of practice for rented housing.

7.3 Social Inclusion

- 7.3.1 All partners of HomeChoice North Somerset believe that applicants should be given every assistance to access the housing register and search for suitable properties. For example, the provision of the HomeChoice North Somerset 'Hotline' number will assist those applicants who experience literacy problems or who are either blind or partially sighted and unable to read the advertisements.

- 7.3.2 To further assist applicants the following methods may be used:

- Applicants potentially disadvantaged by the scheme will initially be identified from the application form. Staff will contact these applicants and offer them a home visit or interview. Staff will seek to establish what the support needs are and identify ways of enabling the applicants to participate in the HomeChoice North Somerset system. This may include sending copies of the advertisements in large print to an applicant or simply providing advice.
- If the applicant agrees, staff may contact any professional or voluntary workers from health or Social Services with whom the applicant is involved to ensure they understand the procedures and that necessary support is provided. All agencies funded through Supporting People should be in a position to provide their clients with help on housing issues.
- Disadvantaged applicants are able to nominate a person (including family members, friends or professional worker) to bid on their behalf or to help them bid for suitable properties.
- An alternative is for HomeChoice North Somerset staff to automatically put the applicants forward for vacancies that would be suitable, in the small number of cases where the applicant has no support.

7.4 False Information

- 7.4.1 Applicants who are found to have knowingly given false information on their HomeChoice application will have their application cancelled immediately and will be excluded from the Housing Register for 3 years from the date they



become eligible for the register, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3.

- 7.4.2 An immediate review of an application may also be undertaken if an applicant is found to have deliberately changed or worsened their housing situation in order to be placed into a band higher than they would normally have been awarded. If an applicant is rehoused through false information, steps may be taken to end the tenancy and court action may be taken which could result in the applicant receiving a fine up to a maximum of £5,000.
- 7.4.3 All landlords in this agreement are committed to taking legal action to evict any applicant found to have gained a tenancy based on false information in their application form. (Section 171 of the Housing Act 1996).

7.5 Access to Personal Information

- 7.5.1 Individuals are entitled under the Data Protection Act (1998) to request details of their personal data held by North Somerset Council. A charge may be made for providing this information.
- 7.5.2 The information received, in conjunction with housing applications, may be disclosed to other housing providers/RSLs but will only be retained if accommodation is to be provided. Any additional personal information obtained may also be provided to RSLs if they provide accommodation.

7.6 Policy Review

- 7.6.1 The HomeChoice North Somerset Scheme is regularly reviewed to ensure that the policy meets its stated objectives and complies with legislative changes. Any minor changes to the Lettings and Assessment Policy are implemented only after delegated authority has been received from the Executive Member and the majority agreement amongst the partner landlords.

7.7 Complaints

- 7.7.1 Any complaints about the applicants banding should be directed to the council. Complaints regarding the labelling of the property e.g. size, amenities etc should be referred to the individual landlord of the property. If a successful applicant is not offered the accommodation for any reason then any complaints regarding this should be directed to the landlord making this decision.



7.7.2 If an applicant is not satisfied with the action taken by either the council or a Registered Social Landlord and has exhausted the complaints procedure available, they can send a written complaint to the ombudsman.

7.7.3 The Housing Ombudsman Service can be contacted at:

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN

Tel: 0300 111 3000

Fax: 020 7831 1942

Email: info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk



APPENDIX A – HOMECHOICE NORTH SOMERSET SCHEME LANDLORDS

Alliance Homes
Anchor Housing Association
Aster Communities
Brunel Care
Curo
Elim
English Rural Housing Association
Guinness Partnership
Hanover
Housing 21
Knightstone
Places for People
Sanctuary
South Western Housing Society
Sovereign Housing
Stonewater
United Communities



APPENDIX B – MEDICAL ASSESSMENTS

When ill health, disability or old age is aggravated by housing conditions and would improve if other accommodation were offered, the award for medical consideration is a range from Band A to Band C. These bandings are reviewed annually on the date of the application renewal.

Band A: Urgent **and** potentially life-threatening problems

Band B: Urgent, but not life-threatening problems

Band C: Clear, but not urgent problems

When awarding additional priority on medical grounds, there are three questions that have to be considered:

1. Is there a direct link between the identified medical complaint and the current housing accommodation/situation?
2. Is there a realistic expectation that the identified medical condition would improve if alternative, more suitable accommodation was made available?
3. Are there properties available within the HomeChoice North Somerset system that would be more suitable for the applicant?

The HomeChoice Team will carefully consider any representation received and check the circumstances outlined with any banding award that may have previously been made. Where there is a need, a change to banding will be made.

To achieve this consistency in the allocation of banding under this heading a descending schedule is detailed below

Band A: Urgent and potentially life-threatening problems

This top category will be reserved for **exceptional** cases where an applicant's or tenant's life can in some way be said to be at risk because of associated medical and housing difficulties which are inherent in the existing accommodation.

Band B: Urgent, but not life-threatening problems

This again is a high banding category and should only be used to reflect urgent medical difficulties that have a clear relationship to existing housing circumstances. It is distinguished from the previous banding (i.e. high / life threatening problems) because in this instance the person's life cannot be considered to be at risk.

Band C: Clear, but not urgent problems

The degree of the problem is clearly less severe but must still have a clear relationship to existing housing conditions.



Procedure

The HomeChoice Team will carry out the majority of medical priority assessments. When an applicant indicates on their application that they have a medical need, they will be contacted by a Housing Options Assistant who will conduct a brief interview to discover if there is a medical condition that warrants assessment.

If the Housing Options Assistant assesses that there may be some medical priority due, they will send a self-assessment medical form to the applicant for them to complete so that the full medical details of the applicant can be gathered on a single form

The HomeChoice Team does not usually request an applicant or tenant to submit medical certificates or to obtain letters from their GP. The belief is held that this is a purely voluntary matter for the GP and patient. The Housing Team has no wish to create further work for doctors by insisting that medical certificates are produced before any application or transfer request is considered.

However, there will be occasions when the advice of North Somerset Primary Care Trust will need to be sought. For example, where an applicant's housing circumstances are affecting their mental health, or where a GP considers a patient requires High Priority as a result of a medical problem.

When determining what banding to award, staff should approach the matter from the standpoint of assessing what degree of need exists and, secondly, what adverse effect this has on the lifestyle of the household as a whole?

The important aspect is to make a decision on what banding should be awarded, and then record the rationale as to why bandings have been awarded at that particular level within the HomeChoice customer records management system.

The following list covers some of the main factors, which can be reflected in a banding award under Medical Considerations:

- An applicant's inability to manage stairs, control temperature, etc
- Applicants more or less confined to their existing accommodation
- Where present accommodation is causing an applicant's mental or physical disability.
- An applicant's restricted ability to fend for him/herself
- The need for adapted housing and/or extra facilities
- The need for sheltered or supported housing
- The for housing as part of a care plan



Medical priority cannot usually be awarded in any of the following circumstances:

- Disrepair problems
- Overcrowding
- Neighbour disputes
- Homelessness
- Pregnancy-related problems
- Inconvenient location
- Disability of someone who is not on your HomeChoice application
- If your situation can be resolved by adaptations or equipment
- Where the medical condition is as a result of a lifestyle choice (e.g. drug use)



APPENDIX C – WELFARE ASSESSMENTS

When an applicant's welfare is severely and detrimentally affected by their housing conditions and a move to alternative accommodation is urgently required, the award of a Band A welfare priority can be made. Please also note that welfare priority will only be awarded to a household, not to individual members of the family/household.

This again is a high banding award and should only be used to reflect urgent welfare difficulties that have a clear and urgent relationship to existing housing. Some of the areas that can be considered for a welfare award are as follows:

- The need to give or receive support;
- The need to recover from the physical effects of violence, threats, physical, emotional, sexual abuse etc;
- Young people at risk.

Any professional, for example a Social Worker, Support Worker or Housing Advice Officer, working with a person or their household can ask for a welfare award to be considered for a client.

The representative will need to provide a written report, with additional evidence to support any reasons to move that are beyond their scope (i.e. Police records), which will then be carefully considered by the HomeChoice Manager.

There is an expectation that applicants who are awarded Band A welfare place regular appropriate bids. All welfare applications are reviewed every 4 months and could result in the removal of welfare banding. Reasons for welfare banding being removed can be for example an applicant not placing regular bids or the reason welfare banding had been given is no longer relevant.



APPENDIX D – ROUGH SLEEPER & OTHER HOMELESS ASSESSMENTS

When an applicant claims to be rough sleeping, street homeless or sleeping in a vehicle then the award of a Band B rough sleeper can be made where it is assessed that the applicant finds themselves in this position through no fault of their own.

Before awarding additional priority for rough sleeping, a HomeChoice Manager, HomeChoice Officer or Housing Advice Officer must carry out an investigation considering the following questions:

1. What are the applicant's current housing circumstances (street homeless, in a tent, in a car, etc)?
2. Where has the applicant slept for the previous seven nights?
3. Where does the applicant intend to sleep for the next seven nights?
4. What toilet and washing facilities has the applicant been using?
5. Where was the applicant's last settled address?
6. Why can they no longer occupy that address?
7. Does the applicant have any other friends or family that could accommodate them?

The officer may also carry out an unannounced visit to the location the applicant states they may be sleeping to verify the information provided.

If, following this investigation, the officer believes that the applicant is sleeping rough with no fault of their own, then Band B rough sleeper can be awarded.

Other Homeless

Households owed a homeless duty by any other local housing authority under the Housing Act 1996 Part 7 s.188, s.190, s.198 or s.193, will be regarded as non-qualifying persons regardless of whether they have been placed in North Somerset or not. This is because that other local authority retains the responsibility for housing whether under s193, Housing Act 1996 or any other duty by which the other local authority retains responsibility for their accommodation. Households placed in North Somerset Council district under a homeless duty by another local authority who have been placed under that duty for more than 5 years will be allowed to qualify.



APPENDIX E – LIST OF VERIFICATION CHECKS MADE BY THE HOMECHOICE TEAM

During Thursday shortlisting calls:

- List of all individuals on the application;
- Confirm bedroom eligibility;
- Confirm current address;
- Confirm current property details;
- Confirm address history;
- Confirm employment (where relevant);
- Confirm income;
- Confirm current banding, and reasons or restrictions.

All other proofs, including an applicant's immigration status, proof of benefits received, income levels and tenancy history, will be carried out by the partner landlord at point of signup.



APPENDIX F – HARDSHIP

Awards for hardship can be awarded where applicants have a need to move to a particular locality within North Somerset and that need to move is to avoid hardship (to themselves or others). Other than in exceptional circumstances this award will only be made where the applicant needs to move to a particular locality in North Somerset and needs to move because the applicant works or has been offered work in North Somerset and has a genuine intention to take up the offer.

In determining whether to award Band C status regard will be had to paragraphs 16-34 of the DLCCG Right to Move Statutory Guidance on Social Housing allocations for Local Authorities in England (March 2015) and The Allocation of Accommodation guidance for local housing authorities in England.



APPENDIX G – DWP BEDROOM STANDARD

Currently used to determine under occupation for housing benefit assessment, the DWP bedroom standard is used to determine lacking bedrooms banding. Under the DWP bedroom standard, each of the following require 1 bedroom:

- Couple
- Single adults aged 16 or over
- Two children of the same gender up to 15
- Two children of either gender up to 9.
- Any other single child
- An overnight carer where required.



APPENDIX H – PROTOCOL FOR HOUSING DANGEROUS OFFENDERS AND POTENTIALLY DANGEROUS OFFENDERS

There is a North Somerset Multi-Agency Protocol in dealing with dangerous offenders that allows the exchange information about any applicant who has been convicted of a serious offence. Any applicant who confirms on their application form, or who is suspected, or accused, of being a dangerous offender, will be subjected to the provisions set out in the information exchange protocol.

The North Somerset Multi-Agency Protocol is only for a specific offenders group and only covers referrals from the Public Protection Team and Avon and North Somerset Constabulary and does not guarantee the provision of a tenancy.

There is not a 'blanket ban' preventing dangerous offenders from being included on the housing register. However, before any known offender is offered housing, full consultation will be undertaken with the relevant agencies to assess the risks involved. Some dangerous offenders will be given a high priority so that the relevant agencies can continue to monitor them.

In the interests of public protection, it is essential that the Police and Probation Service are able to control and monitor the behaviour and activities of dangerous offenders. This task is made more difficult if such offenders do not have a fixed address or are housed in circumstances that make it difficult for the agencies to monitor them appropriately.

Re-housing of dangerous offenders will be carried out in consultation with the relevant agencies to minimise the risk to the public and with the long term aim of influencing the successful accommodation and resettlement of the offender, thus minimising the risk of re-offending and protecting the public and victims of offenders. The local authorities or Probation Service will bid on behalf of any applicant who falls within this category.



APPENDIX I – EXCEPTIONAL CIRCUMSTANCES

Where a person would not qualify for the register on the basis of either 1) not meeting the local connection residency rules or 2) they come under one of the exclusion criteria; but they believe that they still have a particular need to be housed in the North Somerset district due to exceptional circumstances they can submit an exceptional circumstances case through following the process set out in this appendix.

The Council retains the ability, in exceptional circumstances, to exercise its discretion when making decisions with regard to including persons on the Housing Register. Such cases will be referred to a panel of officers who will consider whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that the exclusion or qualification rules should be waived.

The Council will make contact with any applicant whom they believe has a communication difficulty and does not meet the eligibility criteria to enquire if they have any exceptional circumstances.

Please note that the Council cannot waive the eligibility rules for applicant's who are legally not allowed to access social housing due to the rules set by the Government and such cases will not be referred to the Officer Panel if a case is submitted.

The Council will only waive the qualification rules where the applicant's circumstances are considered exceptional. The following list contains examples of what might constitute exceptional circumstances. The list is for illustrative purposes only.

- Private sector tenants and residents of dwellings where the Council's Private Rented Housing Service has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the Council are satisfied that the problem cannot be resolved by the landlord within 12 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant or a member of their households' health and the household are not able to resolve their own housing problem by moving to alternative accommodation. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance.
- Where specialist health services and or social care perceive an applicant's housing condition is having a very serious impact on the applicant's health and re-housing is required to provide a basis for the provision of suitable care. Or where the applicant's health is so severely affected by the accommodation that it has become life threatening and the applicant's existing accommodation is the major contributory factor.



- Applicants who do not meet the North Somerset local connection rules but have an exceptional need to move due to substantial evidence of domestic abuse, extreme violence or extreme harassment or threats of violence and there is a high risk to the applicant or their family's safety if they remain in the dwelling/area. This may include where a move is necessary to protect a witness to criminal acts. It will also include certain MARAC cases where there are exceptional circumstances

In deciding whether an applicant's circumstances are exceptional the Panel will fully consider the Equality Act duties and the duty placed on the Council under Section 11 of the Children Act and will specifically consider:

- ✓ Whether the person, or a member of their household that they wish to be housed with them, meets the definition of a relevant protected characteristics listed in the Equality Act 2010 eg disability
- ✓ If the Council agrees that the applicant or a member of their household comes under the definition for a relevant protected characteristic it will fully comply with section 149 of 2010 Equality Act and ensure that it has obtained all relevant information relating to the applicant's relevant protected characteristic and will consider, if they were not able to qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with the relevant protected characteristic.
- ✓ The officer panel will ensure that any decision that the applicant's circumstances are not exceptional and that the applicant does not qualify for the North Somerset District Council housing register is a proportionate means of achieving a legitimate aim.

The Panel will also in considering whether an applicant's circumstances are exceptional take into account the general duty placed on the Council by section 11 of the Children Act 2004 and will ensure any decision is made having had full regard to the need to safeguard and promote the welfare of children. This will include the physical, psychological, social, educational and economic welfare of any children in the household.