



Cornwall Homechoice Policy

The Council's Policy for the Allocation of Council Properties and Nominations to Registered Social Landlords

Date of Issue

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Partners to the Scheme

Anchor Housing
Devon & Cornwall Housing Association
Carrick Housing Limited
Hanover Housing
Habinteg
Housing 21
Sanctuary Housing Association
West Country Housing Association
Guinness Hermitage
Penwith Housing Association
Cornwall Rural Housing Association
Sovereign Housing Association
Coastline Housing
Ocean Housing
Sarsen Housing Association
Tamar Housing Association
West Devon Homes

(List to be confirmed)

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SECTION 1 – INTRODUCTION

1.0 INTRODUCTION

- 1.1 Under Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002) the Council is required to have an Allocations Policy. The purpose of the policy is to explain how the Council will determine priorities between applicants who register for social housing and set out the procedures to be followed.
- 1.2 The Council has adopted an Allocations Policy and choice-based lettings (CBL) scheme called Cornwall Homechoice. This scheme was developed and is operated in partnership with: Registered Social Landlords (RSLs) to which the Council has nomination rights, the Home2own agency, and the Council's Arms Length Management Organisation (ALMO).
- 1.3 The scheme was developed as a result of the restructuring of local government in Cornwall in 2009.
- 1.4 In framing the policy the Council has sought to recognise the particular housing market difficulties of the local area.
- 1.5 Under the new scheme, transitional arrangements were established in order to recognise the relative priority of those applicants already registered for re-housing in Cornwall. These arrangements are set out in Appendix 1.

2.0 AIMS AND OBJECTIVES

- 2.1 The aims and objectives of the scheme are to:
 - Create a customer focused scheme that is easy to understand and accessible to all, with appropriate support for 'vulnerable' people who may require additional help
 - Ensure the scheme is open, fair and accountable with appropriate monitoring and reporting systems, particularly with regard to equality and diversity
 - Help to address the Council's Housing and Homelessness Strategies and targets
 - Target scarce resources effectively to those in the greatest housing need
 - Offer people as much choice as possible over where they wish to live
 - Help to maintain sustainable communities
 - Provide information that allows applicants to make informed choices about their housing options
 - Meet the Council's statutory duties in allocating Council housing and making nominations to RSLs
 - Work with other housing providers and agencies to make the best use of affordable housing in the County
 - Let properties effectively to help reduce void losses

3.0 CONSULTATION, REVIEWS AND UPDATING

- 3.1 In developing the policy the Council has had regard to relevant legislation, Codes of Guidance, regulations and case law in respect of allocations and equality and diversity. Consultation was carried out in accordance with section 197 of the Housing Act 1996 (as amended) with all relevant statutory and voluntary organisations and community and tenant groups.
- 3.2 Copies of this policy and accompanying summary will be made available on Cornwall Council's website at www.cornwall.gov.uk Printed copies may be obtained from any Cornwall Council office.
- 3.3 The policy will be reviewed regularly. A full review will take place six months after the initial implementation of the scheme and thereafter on an annual basis. Reviews will be made in consultation with partner RSL's and other relevant stakeholders. Periodic updating may also be undertaken in the light of relevant legal decisions about the allocation of properties. Applicants will be consulted and informed of any major change to this policy resulting from a review.
- 3.4 To help promote and ensure strategic development of services there will be on-going communication between the Council's Enabling, Strategy, Social Service and Supporting People teams and the Cornwall Homechoice Partnership.

4.0 SCOPE OF THE DOCUMENT

- 4.1 The following are not defined as an allocation under legislation, so are not covered in detail by this document further information will be held with each individual social landlord:
 - Succession on a tenant's death
 - Assignment by way of mutual exchange
 - Assignment to a person who would be qualified to succeed to the tenancy on the tenants death
 - Transfer of the tenancy by a court under family law provisions
 - An order made under the Civil Partnership Act 2004
 - Transfers initiated by the social landlord
 - Where an introductory tenancy becomes a secure tenancy or starter tenancy become a fully assured tenancy
 - Where a tenant or owner-occupier has been displaced from his or her previous accommodation by the local authority
 - Compulsory Purchase; where the housing authority has a duty to provide suitable alternative accommodation for residential occupiers under the Land Compensation Act 1973, s.39
 - Defective dwelling house - where the housing authority grants a secure tenancy (under Housing Act 1985, s.554 or s.555) to a former owner-occupier or statutory tenant of a defective dwelling house.

SECTION 2 – INFORMATION ABOUT THE SCHEME

5.0 STATEMENT OF CHOICE

- 5.1 Cornwall Council has adopted a CBL scheme called Cornwall Homechoice. The scheme offers applicants as wide a choice as possible in the allocation of social housing, whilst ensuring this 'choice' is compatible with the requirement to give reasonable preference to applicants in particular 'housing need' groups (as set out in the Housing Act 1996 (as amended)).
- 5.2 Cornwall Homechoice is a partnership between the Council and RSLs with housing stock in the area. Partners are committed to advertising all available properties through the scheme, where possible. This commitment helps to give applicants as wide a choice as possible over where they would like to live.
- 5.3 Cornwall is an area with a high demand for social housing and very few properties tend to become available to let to help meet this demand. Although it will not increase the number of homes available, the Council believes that its adopted CBL scheme provides a fair, transparent and accountable way of letting homes.

6.0 THE SCHEME IN BRIEF

- 6.1 Social housing vacancies are advertised through the scheme on a weekly basis. Adverts appear on the Council's website, in the local press and in leaflet form. Adverts include a description of each property and details of any eligibility criteria. Registered housing applicants can 'choose' which properties to apply for, this is known as 'bidding'.
- 6.2 Successful applicants are those who meet the criteria for the vacancy and who bid for the property during the advertised period. Selection of the successful short-listed applicant is based on the applicant's band (housing need), the length of time they have been in that band, and their local connection to the area. Formal offers are only made after the applicant's details have been verified.

7.0 WHERE CHOICE MAY BE REDUCED

7.1 DIRECT OFFERS

In exceptional circumstances properties may be allocated without being advertised. Examples of where this might occur include, but are not limited to, the following:

- Wheelchair Adapted Properties – where a property needs to be specifically adapted for a particular applicant.
- Applicants requiring urgent re-housing under the Witness Protection Scheme.
- High Risk Offenders (including Sex Offenders) – in accordance with joint agency protocols.

- Joint to Sole Tenancies - where one tenant terminates the tenancy leaving a joint tenant in situ and the Landlord agrees to grant the remaining tenant the tenancy.
- Non-statutory successions.
- Council and RSL transfers – where the landlord recognises that a tenant requires an urgent move on management grounds.

7.2 For Council properties, a Housing Needs Manager will decide whether a direct offer should be made on a case-by-case basis in consultation with the relevant Landlord Service Officer. Where RSLs landlords make a direct offer they will follow procedures within their own policies.

7.3 All direct offers will be reported to and monitored for compliance by the Cornwall Homechoice Project Group and the Council's Overview and Scrutiny Committee.

7.4 HOMELESSNESS AND CHOICE

7.5 Applicants accepted as 'homeless' and owed a main housing duty by Cornwall Council under Part VII of the Housing Act 1996 (as amended in 2002) can apply for any advertised vacancies for which they are eligible. However, the Council reserves the right to apply for suitable properties on behalf of applicants who fail to bid appropriately.

7.6 The Council may apply for properties on behalf of applicants if they fail to bid for suitable vacancies within six months of being accepted as homeless. Before this action is taken the relevant Housing Advice and Options Officer will discuss with the applicant the reasons why they have failed to make suitable bids to see if the issue can be resolved.

7.7 Applicants owed a main housing duty will generally only be given one suitable offer of accommodation. Applicants wishing to refuse an offer of accommodation have the right to request a review. The review will focus on the suitability of the accommodation offered. Full details about the review process can be requested from the Housing Options team.

7.8 HIGH RISK OFFENDERS

7.9 Partner Landlords within the scheme have entered into agreements with Devon and Cornwall Constabulary to exchange information about High Risk Offenders, including Schedule 1 Offender. There is no blanket ban preventing high-risk offenders from registering for rehousing with Cornwall Homechoice, however there will generally be some restrictions over the types and locations of property that they can be considered for. Whether it is appropriate for an individual to register and if so what restrictions need to be in place, will be determined through the appropriate Joint Agency Meeting.

8.0 LOCAL LETTINGS PLAN

8.1 The Council operates an annual Local Lettings Plan (LLP) which is applied to Council vacancies and to RSL vacancies to which the Council has nomination

rights. The plan is agreed by relevant County Councillors in consultation with RSL partners.

- 8.2 The LLP sets out targets and principles for distributing the supply of housing each year between broad categories of housing applicant. This plan helps to ensure the best use of the available housing stock. The agreed targets are based on the relative needs of each category of applicant, in the context of both local and national policy objectives. Targets are expressed as a percentage of the overall number of vacancies projected as likely to become available (Appendix 2).

9.0 PLANNING RESTRICTIONS

- 9.1 Some properties have eligibility criteria attached to them as a result of planning restrictions. These planning restrictions often referred to as S106 or S52 orders, set out the criteria an applicant must meet to be considered for the tenancy. Where planning restrictions apply they will override any other local lettings criteria.

10.0 EQUAL OPPORTUNITY, DIVERSITY AND SOCIAL INCLUSION

- 10.1 The Council aims to ensure that no one, who applies for housing through Cornwall Homechoice, will be discriminated against on the grounds of race, ethnic origin, disability, age, gender, sexual orientation, religion or any other reason.
- 10.2 Cornwall Homechoice policy and procedures must be compatible with a range of legislation including (but not limited to) the following:
- The Race Relations Act 1976 (in particular s.71)
 - The Disability Discrimination Act 1995 (in particular s.49A)
 - The Sex Discrimination Act 1975 (in particular s.76A)
 - The Equality Act (Sexual Orientation) Regulations 2007 (Regs. 5 & 8)
 - The Human Rights Act 1998
 - The Freedom of Information Act 2000 (in particular s.19)
 - The Data Protection Act 1998
- 10.3 This policy and accompanying procedural documents have been impact assessed to reduce the risk of direct or indirect discrimination. In addition, RSL partners all have Equal Opportunity Policies that comply with equality legislation.
- 10.4 Applicants are asked to supply personal information relating to equality and diversity on their application form. This information is only used to monitor the policy to help ensure it remains fair. Applicants do not have to supply this information.

11.0 ADVICE AND SUPPORT TO ACCESS HOUSING

- 11.1 **General Advice and Assistance** - The Council's housing register and allocations team will provide free help, advice and information about the

housing service to all applicants and potential applicants. The advice and assistance will include:

- Help to complete paperwork where required
- Information about who can apply for housing and how to go about this
- How an application is likely to be treated
- Information about the expected waiting times and availability of properties
- Details about how an individual's application has been considered and how to appeal against decisions where necessary
- How to request assistance when homeless or threatened with homelessness
- Other housing options that may be available
- How to apply for a mutual exchange
- General housing issues

11.2 **Additional Support** - To help make access to the scheme easier materials can be made available in a range of formats including different languages, large print and Braille. Applicants can contact any Council office for details of properties included in the advert. This service is intended to help applicants with literacy difficulties and those who are sight impaired. In addition a signing, translation and interpreting service can also be made available for applicants who require this type of service.

11.3 **High Level Support** - Some people will have great difficulty completing an application form and applying for properties without support. The Council operates a Support and Assistance Policy, which is designed to identify applicants who are unable to access housing without assistance and to ensure that appropriate support is provided (see Appendix 3).

11.4 **Support Workers** - Statutory and voluntary agency staff, who work within the community helping or advising applicants, are offered training in order to fully understand the scheme.

12.0 WHO IS RESPONSIBLE FOR DECISIONS

12.1 There are three local housing teams for Cornwall Homechoice. Each team is responsible for processing and managing applications from people who live in that local area and from people who live outside of Cornwall who wish to move to that area.

12.2 Each local housing team is responsible for providing support, making decisions and notifying applicants about their eligibility and banding priority. Each team is also responsible for constructing the advert, registering bids and short-listing applicants for vacancies. For more information about contact details, team structure and decision processes see Appendix 4.

SECTION 3 – HOW TO REGISTER

13.0 HOW TO APPLY

- 13.1 To apply for properties covered by the scheme applicants must be entered on the Cornwall Homechoice register. Applicants only have to complete one housing register application form in order to apply for both Council and partner RSL properties in Cornwall.
- 13.2 Applications can be made on-line at www.cornwall.gov.uk alternatively application forms can be requested or collected from any Council or RSL Office (see Appendix 6 for contact details). Completed forms should be returned to the return address given on the form.

14.0 ELIGIBILITY CRITERIA

- 14.1 The Cornwall Homechoice register is open to all applicants except for those who fall into one of the following categories:
- Persons under 16 years of age.
 - Persons from abroad who are subject to immigration control under the Asylum and Immigration Act 1996 (unless they are already an introductory, secure, starter or assured tenant of a council or RSL).
 - Persons in a class prescribed as ineligible in any regulations made by the Secretary of State (unless they are already an introductory, secure, starter or assured tenant of a council or RSL).
 - Persons where they or any member of their household, have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a social housing tenant, within the meaning of section 160A of the Housing Act 1996 (as amended).
- 14.2 Where exclusions on the grounds of anti-social behaviour apply the council will consider each case on an individual basis, no blanket ban will be applied.
- 14.3 An applicant's eligibility will be considered at the stage of registration and at the point of verification for a property.
- 14.4 The Council will write to any applicant that it intends to exclude from the Housing Register, giving them the reasons for the exclusion and advising them of their right to a review of that decision. See Section 35 for further details about this process.

15.0 REMOVAL FROM THE REGISTER:

- 15.1 Applicants can be removed from the register if:
- They are found to have never been, or cease to be, an eligible person, (under grounds in 14.1 listed above).

- They fail to renew their application within two months of a request to do so.
- At applicants request.

16.0 HOUSING NEEDS ASSESSMENT

16.1 Properties are let on the basis of 'housing need' rather than time on the register. Waiting time is only taken into account when determining priority between cases in the same band. All applications are assessed in accordance with the banding criteria set out below:

Band A	
Exceptional Needs	Where 'substantial' evidence from a statutory organisation, such as the police, is provided which concludes that risk to life or serious harm could result if an immediate move is not obtained (includes victims of domestic violence, racial harassment, and witness intimidation).
Welfare	Applicants awarded an 'urgent' priority by the Welfare Assessment Panel.
Adapted Property	The applicant occupies a Council, ALMO or RSL property within the Cornwall Homechoice area that is fully wheelchair accessible, where no household member requires the adaptations and an applicant who needs an adapted property in the location has been identified.
Multiple Needs	An applicant qualifies under two or more of the Band B criteria, excluding the multiple needs assessment.
Band B	
Statutory Homelessness	Applicants to whom Cornwall Council has accepted a full housing duty under the current Homelessness legislation.
Welfare	Applicants awarded a 'high' priority by the Welfare Assessment Panel.
Lack of Bedrooms	Applicant lacks 2 or more bedrooms in their current home, UNLESS evidence exists that the overcrowding is deliberate. (this excludes applicants in temporary accommodation).
Disrepair	Applicants living in private sector accommodation awarded a 'high' disrepair assessment by the Council's Environmental Health department.
Move-on	The applicant is formally accepted under the move-on quota scheme.

Downsizing	Tenants in Cornwall who are under-occupying a Council or RSL property.
Redevelopment Programme	Where a social housing tenant residing in Cornwall is required to move permanently due to a redevelopment programme and wishes to apply for a move through the scheme.
Multiple Needs	An applicant qualifies under two or more of the Band C criteria, excluding the multiple needs assessment.
Band C	
Homelessness Other	Applicants who are homeless or threatened with homelessness but not owed a main housing duty by Cornwall Council.
Welfare	Applicants awarded a 'medium' priority by the Welfare Assessment Panel.
Disrepair	Applicants living in private sector accommodation awarded a 'medium' disrepair assessment by the Council's Environmental Health department.
Lack of bedrooms	Applicants who lack one bedroom in their current home.
Support/Facilities	The applicant, or a member of their household, needs to move to a particular 'locality' within Cornwall, to give or receive on-going support from 'close' family members, or to access specialist medical facilities.
Work/Training	The applicant, or a member of their household, needs to move closer to their place of work/training (of a non-casual nature) within Cornwall.
Multiple Needs	An applicant qualifies under two or more of the Band D criteria.
Band D	
Welfare	Applicants awarded a 'low' priority by the Welfare Assessment Panel.
Disrepair	Applicants living in private sector accommodation awarded a 'low' disrepair assessment by the Council's Environmental Health department.
Shared Facilities	Applicants share bathroom or kitchen with non-family members.
Children living in	Applicant has a child/children under 10 years of age and

flats and/or lacking a garden.	lives in a property above ground floor, with no lift. Applicant has a child/children under 10 years of age living in a property without access to a garden.
Band E	
Welfare	Applicants awarded a 'nil' priority by the Welfare Assessment Panel.
Disrepair	Applicants living in private sector accommodation awarded a 'nil' disrepair assessment by the Council's Environmental Health department.
Owner Occupiers/Savings	Applicants who have savings or equity over £75,000.
Tenancy Issues	Applicants with a history of anti-social behaviour or rent arrears (unless appropriate action is being taken).
Adequately Housed	Applicants in accommodation that is suitable for their needs.
Local Connection Criteria	Within each band listed above, applicants with a qualifying local connection to Cornwall will be considered before applicants who do not have a local connection to the County.

17.0 BANDING GUIDANCE NOTES

- 17.1 **Deliberate overcrowding** - An applicant will be considered to have deliberately worsened their housing circumstance if they become overcrowded as a result of intentional homelessness, or dispose of financial assets (which would otherwise have been sufficient to meet their housing needs). Where overcrowding is deemed to be deliberate the overcrowding element of the assessment will be disregarded for a period of 12 months. Applicants have the right to request a review of an adverse decision and, where they wish to do so, should follow the banding review process as outlined in Section 35.0
- 17.2 **Move-on** – A number of projects have been built in Cornwall to provide specialist support to vulnerable client groups. To help ensure this resource is used effectively a move-on policy has been developed to help clients, ready to move-on from specialist accommodation, to find appropriate alternative accommodation. Full details of the move-on scheme are contained in the Move-on Policy which is attached as Appendix 5.
- 17.3 **Work/Support** - Applicants needing to move to a particular locality for work or support purposes within Cornwall must move within 30 minutes drive of the required locality. Applicants needing to move to give or receive on-going support should complete a Support form. Support forms will be assessed by the Welfare Panel who will consider the level of risk (or harm) that might occur

if the need for a move is not met. Each case will be considered on an individual basis.

17.4 **Financial resources** – Applicants with the financial resources to meet their own housing need would generally be placed in Band E. However, where an applicant or a member of their household is granted a high or urgent welfare priority, or accepted as statutory homeless, financial resources may be disregarded. Each case will be considered on an individual basis.

17.5 **Tenancy issues** – Applicants with a history of anti-social behaviour, or true rent arrears in excess of £500, may be placed in Band E until:

- sufficient support has been given, and continuing support arranged (where appropriate), to help ensure the applicant can sustain a tenancy satisfactorily;
- the rent arrears have been cleared or reduced to below £500
- the applicant shows an intention to clear the arrears by making an arrangement with the relevant social housing landlord and making regular payments to clear the arrears over a period of at least 12 weeks continuously.

Partner Landlords will have different policies with regard to anti-social behaviour and rent arrears. Applicants should consult individual landlord lettings policies for further information (see Appendix 7).

17.6 **Overcrowding** – Occasionally there may be space issues at a property that the overcrowding assessment does not adequately reflect. Where this applies, the Council will use its discretion and band appropriately.

18.0 LOCAL CONNECTION CRITERIA

18.1 To meet the County local connection criteria applicants must demonstrate that they, or a member of their household, meet one of the following criteria:

- They are resident in Cornwall and have been so for the past 12 months continuously and that residence is of their own choice.
- They have been resident in Cornwall for a continuous period of 5 years at sometime in the past.
- They have permanent (regarded as 16 hours or more per week – exceptional cases will be considered on their own merit) employment in Cornwall and this employment is not of casual or seasonal nature.
- They have a close family connection (normally mother, father, sister, brother, son or daughter) where the family member is currently resident in Cornwall and has been so for the past 5 years.
- Special circumstances – Where there is an exceptional need to move to the County. Examples include but not limited to: those needing to move closer to specialist medical/support facilities; applicants accepted as homeless and owed a full housing duty by Cornwall Council; and Cornwall care leavers living outside of the County. These cases will be considered on an individual basis in accordance with relevant legislation and guidance.

Any Statutory requirements overriding these criteria will be adhered to.

18.2 **Parish Connection** – In addition to the County connection there is also a parish connection criteria which can be applied to vacancies in some rural and coastal

areas. For more details of the criteria see the attached local lettings plan (Appendix 2).

19.0 ELIGIBLE BAND DATE

19.1 All applications are given an 'eligible' band date. This date is used to differentiate between applicants in the same band when allocating properties. Properties are let in Band, local connection and then date order.

19.2 The eligible date is band specific; it is not necessarily the date an applicant first registered for housing. The eligible date given will depend on the type of application and reason for the assessment. Examples are given in the table below:

Reason for Band	Eligible Band Date
Homeless applicants accepted by Cornwall Council under Part V11 of the Housing Act 1996	The date the formal homelessness application was received by the authority.
New Applications	The date the completed housing register application was received.
Move-on from Supported Housing within Cornwall	The date the referral was agreed by the Move-on Panel.
Change of Circumstances	Where a band is increased the date will be when the notification was received. If the band decreases or stays the same, the date will not alter.
Welfare Award	If the band is increased the date the Welfare Form was received will apply. If the band decreases or stays the same, the date will not alter.
Disrepair Award	If the band is increased, the date the Disrepair Assessment Form was received will apply. If the band decreases or stays the same, the date will not alter.

20.0 ASSESSING BEDROOM ELIGIBILITY

20.1 An assessment is made of each applicant's household composition to establish bedroom eligibility.

20.2 Due to the high demand for social housing in Cornwall applicants are normally only eligible to apply for properties which meet their assessed minimum bedroom allowance.

20.3 The table below sets out the property size for which an applicant would *normally* be considered.

Single person or a couple	1 bedroom
Single person or couple with a non-dependent household member (i.e. carer)	2 bedrooms
Parent(s) with 1 child	2 bedrooms
Parent(s) with 2 children both under 7 years	2 bedrooms
Parent(s) with 2 children of different sexes where at least one child is over 7 years	3 bedrooms
Parent(s) with 2 children of the same sex where there is more than a 5 year age gap	3 bedrooms
Parents(s) with 3 children	3 bedrooms
Parent(s) with 5 children	4 bedrooms

21.0 BEDROOM ELIGIBILITY - GUIDANCE NOTES

- 21.1 **Policy Differences** - partner landlord lettings policies differ in respect to bedroom eligibility. Applicants should consult the individual landlord's lettings policy where appropriate. Family size restrictions will generally be included in the property details for each advert.
- 21.2 **Same sex children** - Children of the same sex will be expected to share a bedroom unless their ages are more than 5 years apart.
- 21.3 **Pregnancy** - Bedroom eligibility for unborn children will be granted on receipt of official confirmation of pregnancy and estimated date of delivery. (Lack of bedrooms to accommodate expected child will not be awarded until evidence of birth has been received – see 22.2.)
- 21.4 **Adoption/Fostering** – Bedroom eligibility of no more than one bedroom will be granted for applicants who provide official confirmation that their application to adopt or foster has been successful on condition that they move to larger accommodation.
- 21.5 **Staying Access** - In the case of divorced or separated parents/guardians, Cornwall Council will typically expect a child to reside with one parent/guardian as their main residence. The other parent/guardian will not receive any bedroom allowance for staying access. In exceptional cases, the Council may exercise its discretion, but would need to be satisfied that the child resided equally with both parents/guardians.
- 21.6 **Medical grounds** - Bedroom allowance can be granted on medical/welfare grounds. Where this is required a Welfare form must be completed so that the request can be considered through the Welfare Assessment process.
- 21.7 **Downsizing** - Tenants of Cornwall Homechoice partner landlords residing in Cornwall, who are 'downsizing' from family accommodation can, if desired, apply for a property that is one bedroom larger than their assessed minimum bedroom requirement.

- 21.8 **Redevelopment** - Tenants of Cornwall Homechoice partner landlords residing in Cornwall, who are required to move as a result of redevelopment works, will be able to apply for properties that meet their minimum bedroom eligibility. Where there is under-occupation, applicants can choose to apply for properties the same size as their existing tenancy.
- 21.9 **Sheltered housing** – Occasionally there is insufficient need for large (2 or 3 bedroom) sheltered units. Where this situation occurs the unit may be under-occupied.
- 21.10 **Shortage of Housing Stock** – There are some areas where social housing stock of particular sizes does not exist. Where this situation occurs the Council may use it discretion to allow under-occupation (by no more than one bedroom) where there is an applicant requiring the location for specific reasons, and who has an urgent or high housing need.

22.0 ASSESSING OVER-CROWDING AND UNDER-OCCUPATION

- 22.1 When assessing overcrowding, the number of residents living permanently at the property and the number of rooms available within the current accommodation will be taken into account. The size of rooms may also be considered where space is very limited and this is not adequately reflected.
- 22.2 Pregnancy is not considered in an assessment of overcrowding. Lack of bedrooms to accommodate an expected child will not be awarded until evidence of birth has been received.
- 22.3 Where assessments for under-occupation apply, all household members living in the property and using it as their only or principle home will be considered as part of the assessment.
- 22.4 Social housing tenants may be able to access various incentives to assist with downsizing, tenants should contact their own landlord to see if any incentive scheme applies.

23.0 THE WELFARE ASSESSMENT PROCESS

- 23.1 Where an applicant, or a member of the applicant's household, has a medical or welfare difficulty that makes living in their current accommodation unsuitable, they can request consideration for Welfare priority.
- 23.2 Members of the armed forces who have been injured in the line of duty will have their welfare assessed in the same way as other applicants.
- 23.3 This can be assessed in one of three ways:

Physical Health: Applicants should complete a Welfare Self-Assessment Form, which asks for details of the applicant's physical condition, details of their current property, and the reasons why they wish to move.

Mental Health: Applicants should complete a Welfare Assessment form. In addition a Special Needs Assessment Form is available for

completion by professional workers (e.g. CPN, Social Worker, etc.).

Social Welfare: Support workers (e.g. housing options officers, social workers or domestic violence officers) should complete a social welfare assessment form on behalf of their clients.

23.2 Once the appropriate form has been completed it will be assessed by a Welfare Panel. There are three Welfare Panels, one for the east, central and west of the County. Each panel includes representatives from Social Services, the Health Authority, the Cornwall Homechoice team and other relevant agencies as appropriate. The Panel considers the suitability of an applicant's current accommodation given their medical or welfare need.

23.3 The Welfare Panel use a Health Risk Matrix to assess welfare priority. The welfare of all household members forms part of the assessment process. It is therefore important to ensure that a welfare form is completed for each member of the household that has a medical/welfare condition.

23.4 Welfare assessments are based on the applicant's current address and will no longer apply if the applicant moves home. If an applicant changes address, a new Welfare Priority form should be completed alongside a new housing register application.

23.5 If an applicant or household member's health deteriorates or improves a new Welfare form should be completed so that the Welfare award can be reviewed.

23.6 **Reviews** - Following the assessment the applicant will be informed in writing of the outcome of the Panel's decision and any resulting change to their banding priority. If the applicant disagrees with the assessment they can request a review of that decision. Applicants have 28 days from the date on the letter to submit a request for a review. Should a request for review be received outside the 28 days, the Housing Needs Manager will consider the reason for delay.

23.7 **First reviews** – First reviews are re-assessed by the Welfare Panel that made the original assessment. The Panel will take into consideration any new information that may have a bearing on the priority given. Applicants will be notified of the outcome of their first review within 28 days of submitting the request.

23.8 **Final reviews** - Applicant may request a final review if they remain unhappy with the Panel's decision. Applicants have 28 days from the date of notification to submit a request for a final review. Should a request for review be received outside the 28 days, the Housing Needs Manager will consider the reason for delay. A Welfare Panel that was not involved with the original assessment will assess final reviews. Applicants will be notified of the outcome of their final review within 28 days of submitting the request.

24.0 PROPERTY DISREPAIR ASSESSMENT PROCESS

24.1 The Housing Register application form asks applicants about the condition of their current home. Where an applicant is the tenant of a private sector rented property and indicates the property is in a bad state of repair they will

be sent a Housing Disrepair Report Form to complete and return. The information given on the form will be used to inform the officer who will carry out an inspection of the property. Property inspections are normally carried out within 48 days of submitting a disrepair form.

- 24.2 Following the inspection, and depending on the condition of the property, a level of priority will be allocated – either nil, low, medium or high. This award will be considered as part of the applicant banding assessment.
- 24.3 The Environmental Health Officer will notify the landlord if any statutory disrepair is found. The landlord may be required to carry out repair works. The applicants banding will be amended accordingly once the disrepair has been rectified.
- 24.4 If the applicant is an existing social housing tenant the relevant landlord's Repairs Team will be notified of the problem. Tenants also have the right to approach the Council's Environmental Health Department directly for advice and assistance if their landlord fails to undertake repairs satisfactorily.
- 24.5 Applicants living in a property that they own can approach the Environmental Health Team directly for advice and assistance.
- 24.6 Applicants wishing their Environmental Health Award to be reconsidered will be referred directly to the Environmental Health Service.

25.0 CHANGE OF CIRCUMSTANCES

- 25.1 Applicants **must** ensure that they notify the allocation team of any change in their circumstances since submitting their original application, as their banding could be affected.

A housing register form must be completed:

- For every change address.
- For changes between sole and joint applications.
- Whenever the household composition changes.

- 25.2 A letter, with evidence attached, is sufficient for notification of other changes, including the birth of a baby or threat of homelessness.
- 25.3 When applicants change their address their application will be suspended until their new address details have been registered and banding reassessed. It is therefore important to complete a new form as soon as possible after moving. Suspended applicants will not be able to bid for properties.
- 25.4 Applicants who fail to notify the department that they have changed their address within six months of doing so, risk having their application removed from the register. Applicants removed from the register may need to re-register and could lose their banding date.
- 25.5 Failure to notify the department of a change in circumstances that affects an applicant's banding or bedroom eligibility, could lead to disqualification for properties at the verification stage.

26.0 NOTIFICATION OF BANDING

- 26.1 Applicants will generally be notified of the banding details within 28 days of submitting a completed application or change of circumstance form. The details include:
- Band – including reasons for the banding
 - Eligible Band Date
 - Bedroom Eligibility
 - Any additional housing requirements
 - Qualifying County and Parish Connection details
- 26.2 It is important that applicants check the details on their notification letter thoroughly and inform Cornwall Homechoice if they believe any of the details to be incorrect.
- 26.3 If an applicant is unhappy with any detail on their notification letter they have the right to request a review. Reviews should be submitted within 28 days of the receipt of the banding notification letter, and should include details of why the applicant believes that the information is incorrect. Should a request for review be received outside the 28 days, the Housing Needs Manager will consider the reason for delay. See Section 35.0 for further information about how to request a review.

SECTION 4 – APPLYING FOR PROPERTIES

27.0 APPLYING FOR PROPERTIES

27.1 Available Cornwall Homechoice Partner properties to rent in Cornwall will be advertised weekly in:

- the local press
- on the Council's website
- in leaflets available at all Council and RSL offices (see Appendix 6)

27.2 Applicants need to view the advert each week and contact the Cornwall Homechoice team, before the deadline, to apply for any suitable properties that they may be interested in. Applications submitted after the closing date will be discounted, unless there are exceptional circumstances.

27.3 Bids can be made by telephone, through the website, by visiting a Council office or in writing (see Appendix 6 for Council offices contact details).

27.3 Applicants can bid for up to 6 properties per advert.

28.0 PROPERTY DETAILS

28.1 Each property advertised will be as fully described as possible. Where available this will include details of:

- Landlord
- Property type
- Number of bedrooms
- Location
- Heating type
- Support services
- Adaptations
- Rent levels/Service Charges
- Energy Efficiency Rating
- Any other relevant restrictions (e.g. Parish Connection Transfer Applicant)
- Local facilities (website only)
- Photograph (where available)

28.2 Adverts will also give details of any eligibility criteria. To be eligible to apply applicants must be able to meet the band(s), bedroom eligibility, or other restriction as listed in the advert.

29.0 SELECTION PROCEDURE

29.1 Once the deadline has passed Cornwall Homechoice will run a report from the computer system, which will list all the applicants who have applied for each vacancy. Applicants on each property shortlist will be generally placed in order of band, County connection and date order. Should the Local Lettings Plan be

applied to a property, the applicants will be placed in order of specified label, band and date order.

- 29.2 Occasionally two or more applicants may have the same band, date and meet specified label. Where this occurs the following principles will be applied:
- **Band A** – The Housing Needs Manager will review the relevant applications and decide who should be verified for the vacancy. Issues considered will include: the reason for the banding, the need for the type and/or location of the property, and any other welfare need.
 - **Bands B to E** - The applicant's initial registration date (the date the applicant first applied for re-housing) will be used to decide who should be ranked first.
 - **Bands B to E** - Where the initial registration date is also the same an application review will be undertaken (as outlined for Band A) to decide who has the greatest need for the vacancy.
- 29.3 A Housing Needs Officer will check the details of the top applicant to ensure that, according to the details on the file, they meet the criteria for the property.
- 29.4 The applicant will be contacted by telephone, where possible, to advise them their application is being considered and to check their continued interest in the vacancy in question. Where an applicant has registered top for more than one property they will be asked to list the properties in order of preference. It will be the Housing Needs Manager decision, in discussion with the applicant, which property they will be considered for, taking into account their preferences and needs.
- 29.5 **Verification visits** – Home visits will normally be undertaken by the relevant landlord to verify application details. Applicants will be expected to provide proof of identity, eligibility, current residence, and evidence for all members of the household. Where applicants have specific support needs, an agreed care plan will also be required.
- 29.6 **Differences in landlord's lettings policies** - Partner landlords will check the applicant's details against their own lettings policy. Offers will normally only be made in accordance with the relevant policy. If an applicant fails to meet the relevant landlord's criteria for a vacancy they will be notified by the landlord.
- 29.7 **Where details are found to be incorrect** – Where an applicant's details or banding are found to be incorrect, the relevant landlord will contact the Council to discuss the case. The Council will contact the applicant to verify the change and will amend the banding details accordingly. The Council, in consultation with the relevant landlord, will be responsible for appeals resulting from refusal to offer accommodation as a result of a failed verification.
- 29.8 **Monitoring** - Partner landlords will notify the Cornwall Homechoice team each time an applicant refuses or is denied a property, and the reasons for this decision. This information will be recorded and monitored.

30.0 FORMAL OFFERS

- 30.1 Formal offers will only be made after a full verification has been undertaken and the applicant's details found to be correct. Formal offers will be made in writing, by the relevant landlord.
- 30.2 Applicants will be given 3 working days to respond to the formal written offer. Responses to offers can be taken verbally within the 3 day timescale, but this must be followed up by a written response.
- 30.3 Where properties have not been viewed acceptances will be subject to viewing.
- 30.4 Applicants who are vulnerable may be given additional time to consider the offer where this is appropriate.
- 30.5 Applicants who do not respond to the written offer within 3 days may have the offer withdrawn.

31.0 REFUSALS

- 31.1 There is generally no penalty if an applicant decides to refuse an offer of accommodation (with the exception of homeless households owed a main housing duty, as stated below). However, where applicants refuse several offers, the Council will contact the applicant to establish the reasons for the refusals in order to attempt to help them to place more appropriate bids.
- 31.2 Homeless applicants who are owed a main housing duty will normally only receive one offer of suitable accommodation (in accordance with Parts 6 and 7 of the Housing Act 1996). If a property is refused the applicant will be referred to the Council's Housing Advice and Options Team for advice.
- 31.3 The Homechoice team will not provide details of the next shortlisted applicant to the relevant landlord until the Housing Advice and Options team have had a reasonable opportunity to discuss a refusal and possible consequences with their client. Generally this will be no longer than 3 working days.

32.0 OFFERS WITHHELD OR WITHDRAWN

- 32.1 There may be occasions when the Council or partner RSL makes the decision to withhold or withdraw the offer of a tenancy because information comes to light after the offer has been made. Reasons may include but not limited to:
 - The landlord, in consultation with the relevant support service, deems that the applicant is unable to maintain an independent tenancy without support and there is an insufficient care package available, or the applicant refuses the support available, to help them to sustain the tenancy successfully.
 - The applicant fails to verify for a property because they do not meet the criteria for the property or their application details are found to be incorrect.
 - The property is found to be unsuitable for the applicant's needs.
 - The outgoing tenant withdraws their notice.
 - The property has been incorrectly advertised.
 - The applicant is found to have an unsatisfactory tenancy record with another social housing provider, including serious rent arrears (excluding over-payments of housing benefit) or other serious breach of tenancy where notice or an ASBO has been served.

32.2 Applicants under the age of 18, including lone parents, will normally only be granted a tenancy with an appropriate 'guarantor' and support package. Partner landlords may have different policies with regard to this issue. Applicants should contact individual landlords for more information where necessary (see Appendices 6 and 7).

32.3 Partner landlords within the scheme have entered into an agreement with Devon and Cornwall Constabulary to exchange information on any applicant accused or convicted of any serious crime, including those under the Sex Offenders Act 1997, where the offender could present a risk to the community. Any applicant who confirms, or is suspected of being a high risk offender, will be subject to the provisions set out in the exchange of information protocol. Before any known offender is offered a tenancy full consultation will be undertaken with MAPPA and any other relevant support agencies to assess the suitability of the location of the accommodation and assess any risks involved.

33.0 DIFFICULT TO LET PROPERTIES

33.1 If a vacancy has been advertised to all bands but no qualifying applicant found, the Cornwall Homechoice Partner Landlord may let the property in any way deemed appropriate.

34.0 FEEDBACK

34.1 Every week a list of the successful applicant's band and dates for each property let through the scheme will be made available on the Council's website, in the newspaper and Council Offices.

More detailed feedback information will be provided annually and will include:

- The number of Council and RSL vacancies advertised.
- The areas where the vacancies arose.
- A breakdown of the type and size of properties that were advertised.
- A breakdown of the successful applicants banding.

34.2 Feedback information can be used by applicants as a monitoring tool to assess their chances of being rehoused successfully through the scheme and check whether their application should have been successful.

35.0 RIGHT TO REQUEST A REVIEW

35.1 The Council and Cornwall Homechoice Partnership recognise that at times individuals may not agree with decisions made. Cornwall Homechoice has a review process that can be followed if applicants or their advocates feel that their application has not been treated fairly.

35.2 There is a right to request a review of any adverse decision, including the following examples:

- Being denied the right to register

- Priority assessment awarded – either banding or effective date
- Welfare awards
- Decisions to reduce priority on the grounds of behaviour, rent arrears or financial grounds
- Cancellation of applications
- Decisions not to make, or to withdraw, an offer.

- 35.3 Applicants will normally have 28 days from the date of any notification letter in which to submit a review request. Review requests should normally be submitted in writing to the Housing Needs Manager. Should a request for review be received outside the 28 days, the Housing Needs Manager will consider the reason for delay.
- 35.4 The Welfare Review process should be exhausted before a formal review is submitted through this route (see section 23.6 – 23.8).
- 35.5 Where the review relates to a Homechoice RSL partner refusing to make or withdrawing an offer, the review request should be sent to the relevant Cornwall Homechoice partner landlord. The Housing Needs Manager can be asked to investigate the reasons for the refusal where applicants remain unhappy with the partner landlord's response.
- 35.6 Reviews will be under-taken by a senior officer, normally the Housing Needs Manager, who was not involved with the original decision.
- 35.7 Applicants may request an oral hearing and this will be accommodated where appropriate. Applicants will be given a minimum of 7 days notice of the date of an oral hearing. Applicants may wish to be accompanied at the hearing by an advocate.
- 35.8 Oral hearings will be undertaken by a senior officer, normally the Housing Needs Manager, accompanied by a Housing Needs Officer who was not involved in the original decision. Applicants will be notified of the decision in respect of their case within 28 days of the hearing.
- 35.9** Where a review is found in the applicant's favour, reasonable action will be taken to rectify the situation. Decisions regarding what is reasonable will be decided on a case by case basis by the Housing Needs Manager in consultation with the applicant and other relevant parties.

36.0 COMPLAINTS PROCEDURE

- 36.1 Where an applicant is not satisfied with the way they have been treated under the Cornwall Homechoice scheme they can make a formal complaint to the Council applicants will be referred to the Cornwall Council's corporate complaints policy. Complaints should detail reasons for the dissatisfaction.
- 36.2 The complaint will be monitored and reviewed in accordance with the Council's Corporate Complaints Procedure the details of which are available on request.
- 36.3 If the applicant is not satisfied by the Council's response, he/she may be able to take the complaint to a higher level. This could be an Ombudsman enquiry

or a Judicial Review, depending on the reason for the complaint. Applicants should seek independent legal advice regarding this issue.

37.0 CONFIDENTIALITY

37.1 Information provided by applicants when they register for housing is confidential but may be shared in the following circumstances:

- The information can be disclosed to other landlords participating in the scheme to enable them to consider an application.
- Existing and former social housing landlords may be contacted for tenancy references.
- Personal information may be disclosed to other parties with the applicant's specific written consent.
- Where there is a particular over-riding welfare or public concern disclosure may be necessary without consent.

37.2 Application files will be disposed of in line with the Council and RSLs document retention and disposal policies.

38.0 ACCESS TO PERSONAL RECORDS

38.1 Under the Data Protection Act 1998, applicants have the right to see personal Records held about them by the Council. Details of how to apply for a Subject Access Request, what this means and when this access can be denied can be found on the Council's website at www.cornwall.gov.uk

SECTION 5 – ADDITIONAL INFORMATION

39.0 POLICY ON GRANTING TENANCIES

Transfer Policy

- 39.1 Transfer applicant is a tenant of the Council or a Homechoice Partner Landlord residing in Cornwall who wishes to move to alternative accommodation within Cornwall.
- 39.2 Existing secure, assured and introductory and starter tenants wishing to transfer will be registered in the same way as other applicants. Tenants will generally only be granted a transfer if there are no significant current breaches of tenancy (including rent arrears or anti-social behaviour). Each transfer case will be considered on an individual basis taking into consideration the relative housing need of the tenant and members of the tenant's household.
- 39.2 RSLs hold their own transfer policies and tenants should consult these policies where applicable.

Introductory and Starter Tenancies

- 39.3 All new tenancies granted by Cornwall Council will be Introductory unless, immediately before the tenancy is granted, the tenant or joint tenant was a secure or fully assured tenant of a Council or registered social landlord. The introductory tenancy will automatically become secure after 12 months, unless the Council has served a Notice to Extend the Introductory Tenancy because of a breach of tenancy conditions or has ended it by Court Order.
- 39.4 Partner social landlords may have different policies with regard to granting tenancies. Most give starter tenancies to all new tenants. Applicants should check the details with each individual landlord as appropriate.

Joint Tenancies

- 39.5 Joint Housing Register applications will be considered providing both parties qualify to join the register. Applying to join the register as joint applicants does not mean that a joint tenancy will automatically be granted.
- 39.6 Where household members request a joint tenancy, have a long-term shared commitment to the home and meet the eligibility criteria for holding a social housing tenancy, Homechoice Partner landlords will consider the request. The decision as to whether or not to grant a joint tenancy rests with the relevant landlord. Where a joint tenancy is refused the landlord will write to the applicant giving reasons for the decision.
- 39.7 Existing sole secure and fully assured tenants can request a joint tenancy. Consent will not generally be unreasonably withheld as long as both parties meet the eligibility criteria (as above). However, consent may be conditional

upon any breaches in the existing tenancy being remedied first (e.g. rent arrears). Partner landlord policies may differ.

- 39.8 When a joint tenancy is granted both tenants become jointly and individually responsible for ensuring the tenancy agreement is kept to.
- 39.9 One joint applicant can give notice on the tenancy and this would end the tenancy for both tenants. Where a joint tenant serves Notice to Quit, Homechoice Partner Landlords will use their discretion in deciding whether to grant the remaining tenant a sole tenancy. This would normally be granted, unless there were serious breaches of tenancy or adverse implications for the good use of the housing stock.

40.0 SHELTERED HOUSING

- 40.1 Sheltered housing is generally intended for older people in need of support to help them to maintain their independence. Applicants need to be assessed as needing and wanting this type of service before they can be offered a sheltered housing tenancy.
- 40.2 An initial assessment of whether an applicant may be eligible for sheltered housing is carried out as a paper exercise as part of the registration process. Applicants will not be eligible to bid for sheltered housing until this assessment has been undertaken.
- 40.3 When an applicant has been successful in their bid for a sheltered housing vacancy they will generally be visited at home and a full sheltered housing assessment undertaken. Offers will only be made if the full assessment shows the applicant is eligible for sheltered housing.
- 40.4 Some people requiring support may not want to move into designated sheltered housing. It may be possible to access appropriate support at home. Applicants are advised to request details of the type of services available to enable them to remain in their own home.

41.0 MUTUAL EXCHANGE

- 41.1 Social housing tenants generally have the right to apply to swap their home. Tenants can swap their home with council or housing association tenants anywhere in the country. This is known as a mutual exchange.
- 41.2 Tenants wishing to exchange need to obtain authorisation from their respective landlords before an exchange can go ahead. Landlords can only refuse consent on specific grounds stated in the Housing Act 1985 (Sch. 3).
- 41.3 Tenants may be asked to remedy any breach of their tenancy conditions before an exchange is agreed.
- 41.4 Tenants wishing to exchange are advised to register with Homeswapper at www.homeswapper.co.uk. Most Homechoice Partner Landlords are registered with Homeswapper.

42.0 SUCCESSION

42.1 Succession to the tenancy may be permitted in the following circumstances:

- Where the secure tenant dies and there is someone who qualifies for the tenancy by succession (as stated in the Housing Act 1985, s.89). Where an introductory tenant dies and there is someone who qualifies to succeed to the introductory tenancy (Housing Act 1996, s.133 (2); Housing Act 1988).
- A secure tenant with a fixed term tenancy dies and the tenancy remains secure by virtue of the Housing Act 1985, s.90.

42.2 When a secure tenant dies and there is no entitlement to a statutory succession, the relevant Homechoice Partner Landlord will consider the status of any remaining occupier who has been residing in the property on a case-by-case basis.

43.0 COURT ORDERS

43.1 The Court can order a secure or introductory tenancy to be disposed of or transferred to someone else under:

- The Matrimonial Causes Act 1973
- The Matrimonial and Family Proceedings Act 1984
- The Children's Act 1989

44.0 LOW COST HOME OWNERSHIP

44.1 Applicants from any band can apply for low cost home ownership products. This includes shared ownership, Homebuy schemes and discounted sale schemes. Applicants wishing to apply for these types of products should also register with Home2own, there is a link to Home2own from the Council's website and further contact details are available on request.