

Housing Allocation Scheme

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1) Introduction

The purpose of the Allocation Scheme is to set out the Council's approach to the allocation of social and affordable rented housing within the Chichester District. Although the Council has a strategic responsibility for housing in the District, it no longer owns or manages social or affordable Housing. Instead, it works with a range of not for profit housing providers, known as Registered Providers, to meet local housing needs. Most Registered Provider (RP) housing has been developed with assistance from public funding, consequently a significant proportion of lettings of RP homes are made available to households nominated by the Council.

The Allocation Scheme describes the process the Council will follow to manage applications for social housing and to nominate applicants to Registered Providers for specific vacancies which are available. In common with many Councils,

Chichester's scheme involves a Choice Based Lettings (CBL) system. This is referred to as Homemove. CBL allows approved applicants to bid for properties of their choice based on assessed priority and date order.

The Homemove system is used to select applicants to be nominated for vacant homes which are advertised, however the ultimate decision to grant a tenancy to an applicant will rest with the Registered Provider concerned.

2) Key Principles of the Allocation Scheme

All housing authorities are required by law to publish an allocation scheme the details of which should comply with a range of statutory regulation and government guidance. The key sources of this include:

- The Housing Act 1996 Part 6 and 7 which deal with Housing Allocations and Homelessness
- Allocation of Accommodation: Guidance for Local housing Authorities in England (MCHLG,2021)

There are also a range of Regulations in relation to the housing allocations which Governments have made using Statutory Instruments, these are reflected in the Scheme and in some cases referred to in text.

Notwithstanding the statutory requirements referred to above, the Council has significant discretion on the way in which the Allocation scheme is framed. The key principles on which the scheme is based involve:

- Providing a transparent and fair process through which vacant homes can be let to local people
- Making the best use of the housing stock in the District by ensuring that vacant homes are let quickly and efficiently
- Enabling local people to make informed choices about their housing options
- Preventing homelessness and avoid hardship for households who are unable to meet their needs in the private housing market
- Creating sustainable communities by giving additional preference to applicants in housing need in rural parishes
- Treating everyone fairly, taking steps to avoid discrimination on the grounds of ethnicity, religion, sexual orientation, employment or marital status.

These principles reflect the aims and objectives of the Council's Housing Strategy 2020-25¹² as well as the broader vision and objectives within the Council's Corporate Plan³

3) The Housing Register: Eligibility and Qualification

All Council nominations to Registered Provider (RP) homes in Chichester District will be made through the *Housing Register*. Applicants for housing, whether they are new applicants *Homeseekers* or existing RP tenants *Transfers* will need to apply to through the Housing Register. The Housing Register is open to applicants who have a local connection³ to the Chichester District, subject to a range of exclusions which are described below.

There are some individuals who by law cannot join the register regardless of their housing needs or circumstances. A detailed explanation of these categories is provided in Appendix 1, but the main categories include:

- Those under various immigration rules who cannot claim assistance with housing;
- Those who do not live permanently in the Common Travel Area (UK, Channel Islands, the Isle of Man or the Republic of Ireland) for tax purposes;
- Those whom do not have the right to live in the UK; and
- Groups of people who the Government has decided, or may, in the future, decide are not eligible for housing.
- In addition, the law allows the Council not to allocate accommodation to an applicant who it decides is not a 'qualifying person'. The following categories of applicant will not qualify for the Chichester Housing Register:
- Applicants who do not have a local connection to Chichester District, unless they are owed a duty under Part VII of the Housing Act 1996 or who fall within one of the other exempt groups listed in Appendix 3.
- Applicants who have guilty of unacceptable behaviour serious enough to make them unsuitable as a prospective tenant or to be part of the household;
- Applicants who have assets, or income which are deemed sufficient to make their own housing arrangements
- Applicants who owe significant housing related debt
- Applicants who own a residential property
- Applicants who have tenancies of Registered Provider accommodation which meets their needs in terms of size and suitability.

A detailed description of the way these qualifications apply is provided in Appendix 2

4) The Registration and Assessment Process

Applicants who wish to join the Housing Register must complete an application form or have one completed on their behalf. The form can easily be accessed from the [Council's website](#). Applicants will be encouraged to make on line applications wherever possible. In circumstances where this is not possible assistance will be offered either by telephone or in person.

¹ <https://www.chichester.gov.uk/media/33392/Chichester-District-Housing-Strategy-2020->

² [/pdf/Housing_Strategy_post_council_edit.pdf](#)

³ https://www.chichester.gov.uk/media/29770/Corporate-Plan-2018-2021/pdf/Corporate_Plan_2018-21.pdf ³

A detailed description of the way Local Connection is defined is shown in Appendix 3.

Applicants' needs will be assessed using the information provided in the application form. It is the applicant's responsibility to ensure that the form has been completed fully and accurately. Information submitted in respect of an application may be verified by reference to the electoral register and Council Tax records and other sources of information. Following receipt of an application, an applicant will not be able to submit a bid for a property until the application has been verified and set to

'live'.

In order to accurately assess an applicant's current housing circumstances it may be necessary to visit an applicant at home. If a home visit is deemed necessary, the applicant must grant the visiting officer access to their property at a reasonable time of the day on reasonable prior notice. Failure on the part of the applicant to facilitate a visit may result in the assessment of an application being delayed or in the case of an existing application being suspended.

Applicants who indicate on the application form that they, or a member of their household, have an illness or disability that is affected by their current home, or who may be vulnerable on physical or mental health grounds, should provide evidence to substantiate this.

Requests for additional priority based on health grounds will be assessed in accordance with the Flowchart shown in Appendix 6. In some cases, the Council may require specialist advice to determine the applicant's housing need. Specialist advice may include referral to a medical adviser, Adult's or Children's Social Care,

Occupational Therapy services, NHS providers or other agencies as appropriate.

5) Management of Applicants' Personal Information

Personal information will be handled in accordance with the Data Protection Act 2018 and will be subject to the appropriate level of confidentiality. By submitting an application form to join the housing register an applicant consents to the processing of personal data and special category data about themselves. Any non-dependent adults in the applicant's household will also need to provide consent. The Council may disclose information contained in the application and about associated bidding activity and rehousing prospects to service providers and with other relevant Council services as the law permits.

Applicants have the right to see the information held about them and to receive a copy of the information held. This is a subject access request for which the Council may charge a reasonable administration fee.

It is an offence for an applicant to make false statements knowingly or recklessly or to knowingly withhold reasonably requested information relevant to their application. This includes, but is not limited to, information requested on the housing register application form. An offence is also committed if a third party provides false information whether or not on the instigation of the applicant.

Where there is suspicion, or an allegation, that a person has withheld or provided false information, the application status will be changed to 'pending' (if it is a new application) or 'suspended' (if it is an existing application) during the investigation and will be excluded from bidding until an outcome is determined.

If the investigation shows that false information was provided or information was deliberately withheld, the applicant will be withdrawn from the housing register and the Council may

consider legal proceedings. The applicant will not then be eligible to apply to join the housing register for the following two years. Anyone made ineligible for the scheme as a result of providing false information or withholding information will be provided with a full written explanation for the decision and will have a right of review of the decision.

The law enables landlords to seek possession of a property where it has been allocated as a result of a false statement by the tenant or a person acting on his or her behalf.

6) Joint Applications

Applications on the Homemove system will be under the name of a single 'main' applicant. Communication regarding applications and bidding will normally be with the main applicant, using the address or phone numbers provided, unless advised otherwise. Co-habiting partners, spouses or civil partners included as part of an application will normally be listed as joint applicants.

Joint applicants that bid successfully for a property will, in most cases, be offered a joint tenancy by the relevant RP. It will usually not be possible to subsequently grant a tenancy in the sole name of just one of the joint applicants. Applicants who separate should advise the Council as soon as possible so that their applications can be amended on consent of all parties.

When joint applicants want to change to sole applicants but wish to remain registered, the application will continue in the name of the partner with residency and parenting responsibilities for any children of the household. The remaining applicant may make a new application in their own name with a new application date. Joint applicants with no dependents may mutually agree to have an application transferred to the sole name of one of the partners. The remaining applicant may make a new application in their own name with a new application date. If no agreement can be reached the original application will be cancelled and each applicant will need to make a new application with a new application date.

7) Children and Young People

Applications will not normally be accepted for applicants who have not reached the age of 18. In exceptional circumstances an application may be accepted on behalf of a 16 or 17 year old who is in the care of West Sussex County Council or who is unable to remain with their family. Where applications are accepted on behalf of young people aged 16 or 17, they will not be able to bid for properties until they have reached the age of 18.

Children under the age of 18 will be deemed to be part of a household when:

- they are living with an applicant or co-applicant as a dependent;
- the applicant or co-applicant is in receipt of child benefit for them; and
- the child does not have its main home elsewhere.

Children of applicants who over the age of 18 may be considered dependents if they are deemed to be unable to live independently of an applicant or co-applicant and do not have a home elsewhere.

A child can be added to an application if they are substantially dependent on the applicant (including financially dependent), and there is, or will be, a degree of permanence or

regularity in that residency. We will normally require an applicant to have full custody of the child, a temporary arrangement will not be sufficient.

Where an Applicant has joint custody/residence of a child, that child will not normally be counted as part of the Applicant's household where the child already has the use of a bedroom with a parent or carer elsewhere.

We will request details of one or all of the care and living arrangements as applicable, to evidence that the child lives, or intends to live, with the applicant including:

- A Court Order
- Confirmation of receipt of Child Benefit for relevant children
- Confirmation of the child's address from the child's GP, nursery or school

8) Reassessing Need and Reviewing Applications

The Council will review all applications on an annual basis, to re-assess applicants' bidding patterns and continuing housing need. If the Council is unable to establish contact with an applicant, applications may be cancelled and removed with notification to the last known contact address.

Further examples, whereby an applicant will be removed from the Housing Register include:

- The acceptance by the applicant of tenancy of a property provided by a social housing landlord
- The purchase of a property
- A change in the applicant's circumstances, rendering them ineligible for the Housing Register.

Applicants who are excluded from the Housing Register will be notified in writing.

9) Change of Circumstances

Applicants whose housing circumstances change must inform the Council so that their application can be re-assessed. Relevant changes of circumstance would include household moves, changes in the composition of a household, or significant changes in applicants' income or financial circumstances. This can be done online via the Homemove web site or by notifying the Council directly.

Adding Children to an Application: An expected first child will be eligible to be included on the application. When the child is born this must be confirmed by providing a copy of the birth certificate. For second and subsequent pregnancies the expected child or children will not be included on the application until the child is born and a copy of the birth certificate has been provided to the Council.

Adding Adults to an Application: Adults (with the exception of adult children who have never left home) will only be accepted on to an application if there is an evidenced overriding need to live with the applicant due to circumstances such as ill health or a disability, and they plan to make it their sole home on a permanent basis.

Changes to an applicant's circumstances may result in their priority band being moved up or down.

Increased Banding Priority: Applicants will be given a new priority date. This will be the date the Council were informed in writing of the applicant's change of circumstances.

Decreased Banding Priority: Applicants will retain the priority date they were given when they first made an application.

10) Applicants who have Worsened their Housing Circumstances

Where applicants have been assessed to have worsened their own housing circumstances through their own choice, they may be placed into a lower band or suspended from bidding.

11) Assessment of Need

The Council is required to give *reasonable preference* to certain categories of people in need of housing. The Allocation Scheme takes account of these categories and does so by placing applicants in an appropriate priority band, although the priority given to each category is not necessarily equal. The categories of people to who must be given reasonable preference include:

- People who are homeless within the meaning of Part 7 of the Housing Act 1996.
- People who are owed a duty by any housing authority under the following sections of the Housing Act 1996:-
 - s.190(2) (intentionally homeless and in priority need);
 - s.192(3) (non-priority need homeless who are occupying accommodation arranged by the Council);
 - s.193(2) (unintentionally homeless and in priority need);
 - s.195(2) (threatened with homelessness intentionally and in priority need);
- People occupying insanitary or overcrowded houses or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to a disability or previous domestic abuse
- People who need to move to a particular locality in the District, where failure to meet that duty would cause hardship to themselves or others.
- Social housing tenants who have a reasonable preference for housing under s. 166(3) *and* need to move to the District to maintain or take up an offer of work in the District.

Once assessed, the applicant is placed in the appropriate bedroom category (as detailed in 11 below) and into one of the four priority bandings in date order of registration. Applicants will be informed of their registration date number and given the following information:

- Priority band and reason for it.
- Priority date.
- The maximum bedroom size they can bid for.
- Mobility group (physical disability level) if applicable.

Additional preference: Certain categories of applicant will be awarded additional preference if they have urgent housing needs:

- Applicants who are currently serving or have recently left the Armed forces or are dependents of those who have recently served within the Armed Forces. Details of this are provided in Appendix 5.

12) Assessment of Bedroom Needs

For the purposes of determining an applicant's bedroom need or level of overcrowding a separate bedroom will be allocated to each:

- married or cohabiting couple
- other person aged 16 or over
- two children aged under 16 of the same sex
- two children aged under 10 regardless of sex
- any other child under 16 (other than a child whose main home is elsewhere).

Additional Bedroom on Health Grounds: The Council may grant an additional bedroom entitlement in exceptional circumstances. This may arise where:

- A member of the household needs to sleep in a room alone for health reasons
- The applicant requires large and essential medical equipment which cannot be stored elsewhere in a property
- An applicant relies on a regular overnight carer in order to remain living independently.

Fostering and Adoption: Applicants who have been approved by West Sussex County Council to enter into an adoption, fostering, or special guardianship arrangement may be granted additional bedroom entitlement.

13) Notification of Decisions and the Right to Review

Applicants will be notified of the outcome of their application, in terms of both eligibility and priority banding and the reasons for this. Applicants who disagree with the way their application has been assessed are entitled to request a review. Applicants should request this in writing whereupon an informal review will be carried out and a response provided. Applicants who remain dissatisfied with this are entitled to seek a further formal review. A request for this must be made within 21 days of the decision. Formal Reviews of decisions made in respect of the Allocation Scheme will be:

- Carried out by an officer senior to the original decision maker.
- Completed within 56 days unless an extension is agreed

14) The Bidding Process

Once a new application has been validated and registered, applicants will receive notification of their banding priority date and bedroom entitlement and instructions on how to bid for suitable homes.

Within each property advert the eligibility criteria will be set for the property, such as:

- Minimum and maximum number of persons in the household
- Whether the property is suitable for applicants with mobility needs
- If applications are restricted to special groups of people (e.g., age restricted), or applicants with mobility needs
- If pets are allowed
- Whether preference will be given to bidders with a local connection to a specific area or parish

- Any other preferences relating to suitable bidders that have been agreed with the Registered Provider

The advertisement will also specify:

- Whether the home is to be let at a Social Rent or an Affordable Rent
- The form of the tenancy agreement
- The amount of the weekly rent, including any other charges □ Who owns and/or manages the property.

Advertisements will not reveal specific addresses and it will not be possible for applicants view to properties during the bidding process. Dates of 'bidding cycles' indicating the times and dates on which bids can be made will be advertised on the Homemove website. Full details of how to bid are set out in the Scheme User Guide, which is available on the [Homemove](#) website. Applicants can bid for up to three properties for which they are eligible within each cycle.

Assisting Vulnerable Applicants

Although the bidding process is straightforward, some applicants may need assistance in order to complete the registration and bidding process. Assistance may involve:

- Telephone assistance from the Council's Customer Services Team
- Practical assistance from Housing Staff including, where necessary, making bids on behalf of applicants.

15) The Selection Process

The Homemove system places all eligible bids for each property in priority order and this shortlist is provided to the relevant RP who advertised the property at the close of bidding. Subject to any specific local connection requirements, priority is decided by the RP first by band (A to D, with Band A having the highest priority and Band D the lowest) and then by priority date within the band (the applicant with the earliest date on which they joined their current band being given preference) and finally by random selection. Every bid will be assigned a random number when the bid is made. This number is used to resolve a tie; the highest number getting priority.

In certain circumstances the priority with which bids are treated may also reflect mobility criteria and rural local connection criteria. These are explained in more detail in section on *Properties for Which Additional Criteria Apply*.

If there are no eligible bidders for a property the RP, in consultation with the District Council, may decide to make a direct allocation from the housing waiting list or to readvertise the property in the following cycle.

Applicants will hear directly from the prospective landlord if they have been successfully selected for a property. Successful bidders have a strictly applied fortyeight hour opportunity to respond to offers from Registered Providers. Where no response is received Registered Providers may move on to the next highest priority applicant.

Once bidding closes Registered Providers will contact successful applicants in order for them to view the relevant property. Registered Providers generally make their own checks on applicants' circumstances prior to this proceeding.

Once an offer of a tenancy has been made the applicant will not be eligible to receive any other further offers whilst this offer is under consideration.

A property viewing will be arranged by the RP at which the successful bidder will have an opportunity to view the interior of the property under offer and discuss any other details of the tenancy directly with the landlord. In exceptional cases Registered Providers may refuse to accept the nomination of an applicant who appears on the shortlist if to do so would conflict with its own Lettings Policy.

16) Properties for which Additional Criteria Apply

Lettings in Rural Parishes: For properties advertised in rural areas of the District a *preference* will be given to applicants within Bands A-C who have established a *rural parish connection* to the parish in which the property is located. The criteria used to establish a rural parish connection is explained in Appendix 3.

The Rural Allocation Policy will be applied to all Parishes in the District **except**:

- Chichester City, East Wittering and Bracklesham, Midhurst, Petworth, Selsey, Southbourne and Tangmere.
- Properties developed within other rural parishes which are deemed to be part of strategic⁴ housing developments e.g. Shopwhyke Lakes.

Local Lettings Plans: In certain circumstances a Local Lettings Plan (LLP) may be applied to a new development at the initial letting stage. This will apply to first lettings only. The purpose of an LLP will be to ensure community balance and long term sustainability of a new community as well as meeting local need. This may involve some variations in the criteria for prioritising applicants to a proportion of the homes within the development. Properties will be advertised in the usual way, but with a statement that preference will be given to applicants meeting the specific requirements of the Lettings Plan. The detail of LLPs will be published and referred to in relevant property advertisements prior to bidding taking place.

Community-Led Housing Schemes: Community-led Housing (CLH) is housing delivered through local social enterprises that encourage local people to play a leading role in providing solutions to the housing need within their neighbourhood. Individual allocation policies for CLH schemes may be agreed between the Council and the CLH organisations concerned at the outset of new schemes. Where schemes are developed with public funding, they will be required to reflect the overall objectives of the Allocation Scheme and will be subject to the Council's approval. However, the detail of individual schemes may vary and, as a general rule, homes developed and owned by CLH providers may be allocated directly by providers themselves rather than through the Council's Housing Register and the bidding process.

Rural Exception Sites: In certain circumstances, planning rules or other legacy arrangements from the development of a site may require departures from elements of the Allocation Scheme. This is most likely to involve rural exception sites or other sites where specific planning restrictions on occupation apply. The South Downs National Park Authority

⁴ For the purposes of the Allocation Scheme the term 'Strategic Housing Development' will generally be applied to sites where affordable housing is being provided as part of a larger development of 50 or more new homes.

is the relevant planning authority for a large part of the District which includes Midhurst, Petworth and Fernhurst. Developments within these areas may reflect specific conditions required by SDNPA's planning policy. When such properties are advertised for letting via Homemove, any specific criteria affecting the allocation or selection criteria will be clearly indicated.

Almshouses and Non-Registered Providers: In certain circumstances Homemove may advertise accommodation offered by charitable, not for profit or other nonRegistered Providers e.g., Almshouses. Such providers are unlikely to have nomination agreements with the Council and may select applicants according to criteria which fall outside the scope of the Allocation Scheme.

Age-Restricted Housing: Some Registered Provider accommodation is specifically designated for older people. Such restrictions will be clearly indicated in advertisements and bids from applicants who do not meet these criteria will not be accepted.

Properties Deemed Suitable for Applicants with Mobility Needs: Certain properties, including ground floor flats and bungalows or properties with existing adaptations may be deemed especially suitable for applicants with mobility needs. Advertisements for such properties will indicate this and preference may be given to applicants who have demonstrated such needs in accordance with Appendix 5 of the scheme.

Other Restrictions: While the HomeMove system aims to provide applicants with housing choice, but there may be occasions when it is necessary for the Council to restrict the areas of the district in which applicants are permitted to bid. For example perpetrators and victims of domestic violence or other violence and/or harassment may have their choice of area restricted in an effort to ensure the health and safety of the applicant, their family or potential neighbours.

17) Direct Lets

In exceptional circumstances the Council may nominate applicants to Registered Providers outside of the advertisement and bidding process. This is known as a *Direct Let*. Direct Lets may be considered in situations involving:

- **Bespoke or Adapted Property** which has been specifically procured for an applicant with specific needs whose needs cannot otherwise be met
- **Extra Care Housing** schemes including Lapwing Court and Leaholme, in which the need for access to personal care is one of the key criteria for admission.
- **'Hard to Let'** properties which have been previously advertised but have not been successfully let.
- **Multi Agency Public Protection Assessment (MAPPA) cases** in circumstances whereby the Council is required to rehouse an applicant who is subject to MAPPA proceedings or otherwise may present a risk to public safety.
- **Legal Requirements** - to ensure compliance with legal requirements such as judicial instructions, or to meet the requirements to provide new accommodation for clients subject to Witness Protection arrangements.
- **Discharge of the Housing Duty** under sections 189B, 193 (2) or 195 of the Housing Act 1996 to applicants placed in temporary accommodation
- **Housing Stock Identified for Demolition** – Registered Provider stock identified for future redevelopment or demolition can be allocated outside of the Allocations

Scheme as a direct let and offered on an assured shorthold tenancy for a period of twelve months

- **UK Government Refugee Resettlement Programme** - which may involve direct rehousing from families resettled in the UK directly as part of a national government initiative⁵. Such households will not be assessed through the Housing Register and will be nominated directly by agencies responsible for the conduct of the scheme.

18) Registered Provider Refusal of an Applicant

In exceptional circumstances, an RP may refuse the nomination of an applicant who has been shortlisted or withdraw an offer of accommodation if to do so, would conflict with their own Allocations Policy. An offer of accommodation may also be withdrawn if a property is not suitable for the household's needs or the property fails to become available. In such cases the RP will inform the applicant of their decision.

19) Applicant Property Refusals

Applicants have a choice as to whether to accept the offer of a tenancy following viewing. Applicants are encouraged to consider carefully the suitability of the property they are being offered, but in some circumstances, refusals may result in their application being suspended.

Applicants who have refused three offers within a 12 month period may be suspended from bidding for a period of six months from the date of the last offer. Applicants affected by this will have the right to appeal and some discretion will be afforded in circumstances where a property differs from the published advertisement.

Applicants who are owed a homelessness duty by the Council may be advised that this duty will be discharged by the provision of one 'reasonable offer'. This means that applicants placed in temporary accommodation will not be able to remain in occupation of their temporary accommodation following the refusal of a tenancy offer which is deemed reasonable to meet their needs. The criteria for determining a 'reasonable offer' are set out in Appendix 4.

Applicants who are accommodated in temporary accommodation by the Council pursuant to a homelessness duty will be expected to actively bid for suitable properties. In the absence of this, the Council may discharge its duty through a direct offer of suitable housing and terminate provision of temporary accommodation which is being provided.

20) Feedback on Let Properties

When properties are let bidding details will be listed on the Homemove website. This information will remain available in order to enable applicants to get a better understanding of the relative demand for different types of property and to adjust their bidding as appropriate. Feedback published will show the number of bidders for each property, the Band and priority date of the successful applicant.

⁵ A small number of households were provided with homes in Chichester by Registered Providers through the Syrian Vulnerable Persons Resettlement Scheme which operated 2017-20. It is likely that this will be replaced by other similar schemes in the future.

21) Banding Structure

The Council's banding structure prioritises social housing for those people in greatest housing need. There are four groups, A, B, C and D. Applicants who are placed in Group A hold the greatest priority with priority decreasing from B to D. This is set out below.

Band A

- Homeless households owed the main re-housing duty by Chichester District Council where the only prospect of meeting the households' needs is in permanent accommodation in the social housing sector e.g., the applicant has severe medical need, disability or requires an adapted property.
- Urgent medical priority where the current housing conditions are having a major adverse effect on the medical condition of the applicant (or a member of their household)) so as to warrant 'emergency' priority.
- Tenants of Registered Provider accommodation within Chichester District who are under-occupying by two bedrooms or more and whose relocation will result in the re-letting of a property through the Housing Register e.g., an applicant wishing to move from a three bedroom to a one bedroom home.
- Tenants of Registered Providers within the Chichester District who are in need of a permanent move because their property is imminently required for essential works or redevelopment.
- Tenants of adapted Registered Provider accommodation, whose home can be relet to an applicant in need of adaptations.
- Exceptional & urgent need – exceptional circumstances and/or multiple needs, which warrant emergency priority as agreed by the Divisional Manager for Housing
- Where there is a re-housing obligation because a demolition or prohibition order has been made in respect of the applicant's current accommodation within the Chichester District.

Band B

- Overcrowded households lacking 2 or more separate bedrooms
- Applicants with high medical priority for re-housing where the current housing conditions are having an adverse impact on the medical condition of the applicant (or a member of their household) to warrant 'high' priority.
- Applicants living in accommodation which:
 - has been designated as a category 1 housing health and safety hazard *or*
 - has two or more two or more unrelated category 2 housing health and safety hazards that are considered to have similar impact upon the occupant's health and safety as a category 1 housing health and safety hazard *and*
 - where the landlord is unable or unwilling to remedy the defects to the property within a reasonable period of time
- Applicants who have been registered with an appropriate agency or charity for a period of at least 3 months as regularly rough sleeping within Chichester District and who need to move on to settled accommodation as part of an agreed plan between a recognised support provider and the District Council
- Applicants urgently needing to move-on from supported accommodation to settled accommodation within the Chichester District as part of a managed pathway and

subject to arrangements between the support provider and the District Council e.g., West Sussex Care Leavers, Domestic Violence Refuges.

- Severe need – exceptional circumstances and/or multiple needs, which warrant high priority as determined by the Divisional Manager for Housing.
- Tenants of Registered Provider accommodation within Chichester District who are under-occupying by one bedroom and whose relocation will result in the re-letting of a property through the Housing Register e.g. an applicant wishing to move from a two bedroom to a one bedroom home, or from a three bedroom to a two bedroom home.
- Applicants who are occupying interim accommodation pursuant to a duty under the Homelessness legislation where urgent move on is needed to achieve effective and economic use of interim accommodation.

Band C

- Households lacking one separate bedroom
- Medical priority for re-housing where the current housing conditions are having a negative impact on the medical condition of the applicant (or a member of the applicant's household) to warrant priority.
- Applicants living in unsatisfactory housing conditions (e.g., the property has at least one significant category 2 housing health and safety hazard) as assessed by the Council's Environmental Housing Team and the landlord is unable to remedy the defects to the property within a reasonable period of time.
- Applicants who are threatened with homelessness and have been given valid notice to leave their present accommodation.
- Applicants who are homeless within the meaning of Part 7 of the Housing Act 1996 and are to be given *reasonable preference* in accordance with section 166A of the Housing Act 1996.
- Applicants with a need to move for welfare or social reasons where failure to meet that need would result in hardship either to themselves or others.
- Applicants who have social housing tenancies but need to move to the Chichester District in order to maintain or take up employment.

Band D

- Applicants without prioritised housing need factors as set out in Bands A-C.

Generally, the banding structure is not cumulative, so for example an applicant who may satisfy two or more Band C criteria such as lacking one bedroom and having a medium medical priority for housing will still awarded Band C. In exceptional circumstances additional priority may be awarded at the discretion of the Divisional Manager.

22) Use of Discretion

The operation of all aspects of the Allocation Scheme will allow for the use of discretion to reflect the circumstances which are deemed to be exceptional. The exercise of discretion will be vested in the Divisional Manager for Housing or other officers who may be designated for this purpose.

Appendix 1 - Eligibility for the Housing Register

Applicants who are not 'eligible'.

Whilst most applicants will be 'eligible', the Housing Act 1996 (as amended by the Localism Act 2011) sets out two categories of Applicant who are not 'eligible' and must be excluded from being allocated housing. The two categories are as follows:

- Persons subject to immigration control who are ineligible.
- Other persons from abroad who are ineligible.

The law does not allow the Council to allocate a joint tenancy to two or more people if any one of them is considered to be 'ineligible'.

Persons subject to immigration control who are not 'eligible'

Anyone who is subject to immigration control is ineligible unless they fall into one of the following categories:

- a person who has been granted refugee status and who has leave to enter or remain in the UK; or
- a person who has exceptional leave to enter or remain in the UK granted outside the provisions of the immigration rules - provided that there is no condition that they shall not have recourse to public funds; or
- a person who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the UK is not subject to any limitation or condition; or
- a person who has humanitarian protection granted under the Immigration Rules.

Other persons from abroad who are not 'eligible'

Anyone who has come from abroad who is not subject to immigration control will be ineligible if they are not habitually resident in the UK, the Channel Islands, the Isle of Man, or the Republic of Ireland, unless they fall within one of the following categories:

- a person with a right to reside permanently in the UK by virtue of regulation
- a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK.

Appendix 2 - Applicants who are 'non-qualifying persons'

Applications from the following categories of applicant will not be accepted other than in exceptional circumstances.

- **Applicants who have no Local Connection to the Chichester District** as defined by the Allocation Scheme; exceptions to this will apply where the Council has accepted a duty under Part VII of the Housing Act 1996 or is a care leaver owed a duty by West Sussex County Council.
- **Applicants who have local authority or Registered Provider tenancies** which are deemed suitable for the size and needs of their household.
- **Applicants who own a residential property.** An exception to this may be made if the applicant has medical or health related conditions which require adaptations which cannot reasonably be carried out to their home.
- **Applicants who owe significant housing related debts to the Council**, a Registered Provider or Private Landlord. Discretion to join the Housing Register may be given if applicants have entered into a repayment plan and have been paying continuously for a period of at least 6 months and continue to pay in accordance with the plan once on the Housing Register.
- Applicants who have been identified as responsible for serious antisocial behaviour, breaches of tenancy or criminal activity within the last three years. This may include:
 - Serious proven breach of tenancy conditions including harassment, nuisance and violence
 - Conviction of using the accommodation or allowing its use for illegal purposes
 - Allowing the property to be seriously damaged by the tenant or other residents or visitors
 - Conviction of an arrestable offence committed in the locality relating to violence or threats of violence
 - Conviction of an arrestable offence relating to violence or threats of violence against employees of the Council or a Registered Provider.
- Applicants who are deemed to have sufficient income and/or savings to secure alternative housing through the private market.

This will be defined as:

- Income equal to or greater than four times the Local Housing Allowance for the size of home they are entitled to
- Savings or capital of over £20,000 for applicants below the age of 55
- Savings or capital of over £30,000 for applicants aged 55 or over.

Exceptions to (6) above may be made where applicants' health or disability mean that a home in the social sector the only realistic option e.g. where substantial adaptations are necessary to meet the needs of one or more household members.

When calculating sufficient capital, the disposal of assets or capital sums may be taken into account. Where applicants have owned a residential property within the last five years proof will be sought to show how the proceeds of any sale or transfer have been disbursed.

Appendix 3 - Local Connection

The Housing Register defines Local Connection in two distinct ways:

- *Local Connection* to Chichester District
- *Rural Parish Connection*; this is a local connection to a specific rural parish within the District.

Establishing a Local Connection to the Chichester District

Applicants will be deemed to have a local connection to the Chichester District if they:

- Reside within the Chichester District and have done so without a break for the preceding two years.
- Have resided within the Chichester District for four out of the last six years.
- Are employed within the Chichester District in a role which they have held continuously for at least the last 12 months, and involves at least 16 hours per week. Although the employment need not be paid the applicant should be able to prove that they perform genuine work that is carried out predominantly within the Chichester District boundaries.
- Need to move to the District in order to provide or receive care for a close family member who might otherwise not be able to remain living independently. In such cases one party must have been resident in the District for five years. Other exceptional circumstances that the Council might reasonably consider.

For the purposes of the Allocation Scheme the following categories of applicant will not be required to demonstrate a Local Connection to the Chichester District:

- Applicants who are owed a duty under Part VII of the Housing Act 1996 (unless the subject of a referral to another local authority)
- Young People who have been in the care of West Sussex County Council and have who have not reached the age of 25 at the time of their application
- Social housing tenants who need to move to the District in order to take up a job opportunity which cannot reasonably be accepted from their present home
- Applicants who have been placed in designated supported housing within the District who require move on accommodation and would be at risk if returning to an area in which they previously lived.
- Social housing tenants living outside the District who have secured employment within the District and to move in order to take up or maintain that employment⁶.

Establishing a Rural Parish Connection

Applicants will be deemed to have a Rural Parish Connection where they:

- Currently reside in the Parish and have done so without a break for the past two years
- Have resided within the Parish for four out of the past six years
- Are employed within the Parish in role for more than 12 months for 16 hours or more per week

⁶ <https://www.gov.uk/government/publications/right-to-move-statutory-guidance-on-social-housingallocations-for-local-housing-authorities-in-england/right-to-move-and-social-housing-allocations--2>

- Have close family (defined as grandparents, parents, siblings or children of the applicant) who currently live in the parish and have done so continually for 5 years or more.

Applicants will not be deemed to have lost a Local Connection or Rural Parish Connection in some circumstances, this will include where applicants have moved to:

- Hospital or other care setting
- Temporary accommodation provided pursuant to being homeless
- Undertake service in the Armed Forces
- Complete educational or training courses
- Supported accommodation as part of arrangements for young people leaving care.

Appendix 4 - Guidance on 'Reasonable Offers'

Applicants who refuse three reasonable offers of properties through Homemove may be suspended from bidding for a period of 6 months.

Where applicants are owed a duty under the homelessness legislation or have been provided with temporary accommodation, this duty will be brought to an end if a reasonable offer of housing is refused.

In either scenario the Council will determine whether the offer of the property concerned constitutes a '*reasonable offer*'.

In determining whether the offer of a property is reasonable the Council will have regard to:

- The size and suitability of a property in relation to the needs of the applicant's household
- The affordability of the accommodation
- Any risks to which the applicant may be exposed to by moving to a particular area or neighbourhood
- Whether the advertisement for the property provided an accurate and fair description of the property under consideration

Appendix 5 - Armed Services Covenant

The purpose of the Armed Services Covenant is to ensure that members of the Armed Services community are not prejudiced in their access to public services. It relates to those who have served in the Royal Navy, Army and Royal Air Force and their families. The government has set out detailed statutory guidance to ensure that local authority housing allocation schemes recognise the unique circumstances of those who serve in the Armed Services⁷. In operating the Allocations Scheme the Council will have regard to the particular circumstances of those serving or who have recently served in the Armed Forces and will seek to apply discretion where the requirements of Armed Services life may negatively impact on an applicant's opportunity to establish a settled home.

The Scheme identifies an number of specific circumstances in which members applications from members of Armed Services Community will be treated differently to other applicants:

Local Connection Requirements:

Applicants who are serving in the Armed Forces or who have been discharged within the last five years will be exempt from the requirement to establish a Local Connection to the Chichester District. The Council will exercise discretion to award Rural Parish connections to applicants on the basis of previous residence or family connection but not be restricted by the time periods set out in Appendix 3 of the scheme. This approach will also extend to divorced or separating spouses of service personnel who need to move out of accommodation provided by the Ministry of Defence.

Additional Preference within the Banding Scheme:

The following applicants will be awarded additional preference if they have an urgent housing need (defined as falling within Bands A or B):

- The applicant is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- The applicant formerly served in the regular forces within the five years preceding their application
- The applicant has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service
- The applicant has served in reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

Additional preference will be given by awarding an earlier priority date than the applicant would otherwise be entitled to. The additional preference will be awarded to reflect the time the applicant spent in the regular or reserve forces in accordance with the following table.

Less than 1 year	One week
1 to 2 years	Two weeks
3 to 5 years	One month

⁷ <https://www.gov.uk/government/publications/improving-access-to-social-housing-for-members-of-thearmed-forces>

6 to 10 years Six months

Over 10 years One year

Assessment of Savings and Housing Related Debt

When assessing applications from members of the Armed Services Community the Council will seek to exercise discretion in relation to:

- Lump sum payments to former service personnel who have sustained injuries pursuant to their service
- Debts that have accrued as mesne profit on MoD accommodation.

Appendix 6 - Assessment of Priority on Health Grounds

Applicants with Mobility Needs may be assessed in one of three categories according to the details below:

- Mobility Level 1 - Applicant is wheelchair dependent inside and outside
- Mobility Level 2 - Applicant is wheelchair dependent inside and outside
- Mobility Level 3 - Applicant can manage only 1-2 steps

Properties suitable for applicants with Mobility Levels 1-3, they will be prioritised as such with first preference given to those in Mobility Level 1.

Applicants seeking additional priority on health grounds will be assessed in line with the approach outlined below.

Band A - High medical need

Where the nature and severity of the condition is such that there is a need to accommodate specialist medical equipment within a prompt time-scale. For example, renal dialysis, total parenteral nutrition, ventilator and severe permanent mobility issues that renders the client housebound.

Where extensive nursing care is required at home which could not otherwise be provided (e.g. terminal care).

Where the extent and nature of a person's medical needs deem the physical characteristics of the applicants existing accommodation unsuitable. For example, a wheelchair user in accommodation that has limited access.

Band B – Medium medical need

Medical conditions where there is **evidence** that a move will improve a **serious** health condition **substantially**, including mobility and mental health issues, depending on severity and permanence.

Medical conditions where there is evidence that a move will improve a moderately serious medical condition substantially, including mobility and mental health issues, depending on severity and permanence.

Band C – Low medical need

Medical conditions where there is **evidence** that a move will improve a **significant** health condition **substantially**, including mobility and mental health issues, depending on severity and permanence.

Medical conditions where there is **evidence** that a move will improve **any** serious medical condition substantially, including mobility and mental health issues, depending on severity and permanence.

Band D – No medical need

No medical evidence of a health condition that will be improved by a move to different accommodation.