

Welwyn Hatfield Council Housing Allocations Policy

About this policy document

This document tells you about the Council's Housing Allocations Policy. It is divided into nine key sections:

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Throughout this policy you will see terms listed in **bold** print. These terms are explained in an alphabetical document (Glossary) that goes with the policy.

For the purposes of the document "We"/"our"/"us" means

- Welwyn Hatfield Borough Council, its officers and agents

Right to Information, Advice and Assistance

The Council must publish a summary of its Allocations Scheme and provide a free copy of that summary to anybody who asks for one. The whole Scheme is available via www.welhat.gov.uk and contact details are at the back of the Glossary. We will also provide a printed copy of the whole scheme on request but may make a charge for this.

You have a right to general information to help you assess how your application is likely to be treated. For example, whether you are likely to be offered housing and, if so, how long it is likely to take. We will help anyone who has difficulty in making an application by helping them to apply on line at www.welhat.gov.uk or in exceptional circumstances, sending a paper application form. This will need approval from the Housing Allocations Manager.

Reviews

You have the right to request a review of certain decisions made about your application. These are as follows:

- That you are not to be awarded any preference on the grounds of unacceptable behaviour;
- The facts that were taken into account in considering whether to allocate you accommodation;
- That you are not eligible to join the Housing Needs Register.

One or more officers who were not involved in the original decision will carry out the review.

How do I complain about the treatment of my application?

If you are unhappy about any aspect of the process we have followed in handling your application, you may use the Council's complaints procedure. Details of this are available on the Council's website www.welhat.gov.uk

Equality and Diversity

The Council is committed to ensuring equal access and treatment for all applicants. No one will be treated any less favorably because of the protected characteristics which are age, disability, race, religion or belief, sex, sexual orientation, pregnancy/maternity and marriage/civil partnership

The operation of a clear and consistent Housing Allocations Policy goes hand in hand with careful monitoring to ensure that housing allocations are fair and non-discriminatory.

The council will abide by the Equality Act 2010.

An Equality Impact Assessment has been carried out on this policy to assess and mitigate any undue disadvantage to any group.

The council believes that social rented housing should be seen as one of a range of options available to applicants, which include:

- Low cost home ownership/home ownership
- Mutual Exchange (for existing tenants)
- Renting in the private sector
- Intermediate rent products

Section 1: The Housing Needs Register and how to apply

What is the Housing Needs Register?

The Housing Needs Register (HNR) is a list of all applicants looking for affordable, rented accommodation in the Welwyn Hatfield borough.

Who can join the Housing Needs Register?

Anyone who is over the age of 16 years is able to join our Register unless:

- The **Housing Allocations Manager** has decided that the behaviour of an applicant (or a member of their household) is unacceptable and is of a serious enough nature to make him or her unsuitable as a tenant. The Housing Allocations Manager will consider all available, relevant facts and circumstances before making this decision. Unacceptable behaviour includes providing false or misleading

information.

- An applicant is subject to immigration control or is not habitually resident as described by law.
- An applicant does not have a recognised housing need as outlined in this policy
- An applicant does not have a local connection as outlined in this policy
- An applicant who is considered to have sufficient financial resources to resolve their own housing need. This includes home owners/shared owners or those who have owned a home within the last seven years and exceed our trigger points for income/savings.

What is the importance of a Local Connection?

- The council is committed to supporting sustainable communities by providing homes for applicants with a connection to this borough. In order to be seen as having a local connection with the Welwyn Hatfield borough you must demonstrate **local residency, local employment, or a close family connection.**

Please note: -

Only applicants who can show a valid local connection will be able to join the waiting list although in exceptional circumstances applicants with no local connection may be able to join the list.

- Any applicant who owns a home either in the UK or abroad, regardless of their local connection to Welwyn Hatfield, will be considered to have sufficient financial means to resolve their own housing situation and will not qualify to join the Housing Needs Register.

The following persons will be exempt from requiring a local connection to join the register:

- Persons who are serving in the regular forces or have done so in the five years preceding their application to join the HNR;
- Bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases;
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.
- Any household accepted as homeless under part VII of the Housing Act 1996.
- Any household who is accepted as having a 'Right to Move' from social housing in another Local authority area. (Please refer to the Glossary of terms which outlines the Right to Move in detail)

In the case of no housing need or where an applicant does not hold a local connection.

Exception will be made for those over the age of 60 who are registering for sheltered accommodation, providing they are not home owners.

I am already a Council tenant. Can I still apply?

Yes. We accept applications from council or **Registered Provider (RP)** tenants but they must give **vacant possession** of the property that they are leaving.

Can I make a joint application with someone else?

We will accept joint applications from people who wish to live together as a couple.

In the interests of maximising the use of our housing stock, we will consider prioritisation of applications from tenants who, by forming a household with another tenant, will give **vacant possession** of two properties to the Council and/or a local Registered Provider (that WHC nominates to). Where we consider a proposal to be in our interest the joint application will be put into Band B. Each decision is made on a discretionary basis by the Housing Allocations Manager and the applications will be subject to the usual checks. If one of the applicants is already in Band A, no further priority may be given to the applicants.

I have a joint tenancy. Can I still apply?

We cannot accept applications from joint tenants of council/RP homes where they are living separately and are not including the other tenant in their application as they may be considered to have no housing need. In these circumstances you should seek the advice of your Neighbourhood Officer.

If you have a joint tenancy and cannot decide who should leave the home, you should contact a solicitor for advice. In such cases, the courts will normally decide which tenant should leave the home.

There is no automatic right to immediate rehousing for the person who leaves the home, even if the court have authorised the removal of their name from the tenancy they must find alternative accommodation and if they qualify, join the housing needs register but this is unlikely to provide an immediate solution to their housing needs.

Children who live with you

All young people under the age of 18 will be treated as children for the purposes of housing allocations. Anyone 16 or older, living with their parents, will be eligible to have their own housing application as well as to be on their parents' housing application.

However, we reserve the right not to offer larger, family accommodation that won't be needed if we are to imminently house an adult member (including 16 & 17 year olds) of the household separately to their parent(s).

Once your youngest child reaches 18, you will no longer be able to queue for two bedroom houses.

Contact with children

We do not offer family-sized accommodation to an applicant who has contact with children that are not living with them on a permanent basis

Can I make – or be part of – more than one application?

No, we do not usually accept applications from people who have already registered a sole or joint application with us. However, we will consider exceptional circumstances.

How do I join the Housing Needs Register?

You need to fill out the Housing Needs Register form online at www.welhat.gov.uk Depending on your circumstances, you may also have to complete a Medical Form. Assistance on completing these forms is available from the Housing Allocations Team on 01707 357090.

We aim to assess all applications within four weeks of receiving the form and any supporting information we have asked for.

What documents will I need to provide?

Dependent on the Band you are placed in, we will register your application once we have received proof of identity, income and evidence of where you live. The documents we can accept are listed below. If anything is not provided, we will contact you telling you what we need.

1. Identity

You will need to provide one form of photographic proof of your identity for you, your partner and any other person over 16 included on your application. This would normally be a passport or a photo driving licence. You will also need to give us at least one other form of identification for every person on the application. The documents we can accept include:

- Birth certificate
- Marriage Certificate
- Medical Card
- Driving Licence
- Immigration documentation
- Proof of Benefit

2. Address

We need one proof of current address each for you, your partner and anyone else over 16 included on the application. This could include any of the following:

- Tenancy agreement
- Recent bank or credit card statement (within last three months)
- Recent utility bill (also within last three months)
- If you are living with a parent or guardian, a letter from them confirming your

residence, plus proof of their address

3. Children under 16 included on an application who live with you

We need a copy of the full Birth Certificate for each child and satisfactory proof that the child lives with you. This would normally be proof of Child Benefit/Tax Credits and/or a letter from the child's school and any other agencies supporting your family.

4. Proof of Income

We will need to see proof of income for all household members over the age of 16. This will be wageslips, proof of benefits and for self employed applicants, copy of accounts and should be dated within the last three months.

5. Employment

If your only connection with this borough is through your place of work, you may need to provide evidence of your employment when you apply to join the Housing Needs Register. If you are not asked for this evidence when you first apply, it is likely that you will be asked once you have been bidding for a certain amount of time. The council will also contact your employer for confirmation that you are still employed in the borough before making an offer of accommodation.

Supporting Checks

We carry out checks for rent arrears or other outstanding debts with any Council or Registered Providers and can cancel applications or make them **non active** as a result of current or former debts. If you have current or former arrears or there is a current breach of tenancy which your landlord is taking action against you for, you may not be eligible to join the HNR until such time that the Council believes the situation has been satisfactorily resolved. Each case is considered on its individual merits – taking account of specific needs, reasons for the debt/tenancy breach, any repayment plan that is in place and whether this is being maintained.

We also check with the Register of Electors, employers and landlords, and conduct home visits.

If you are a WHC tenant, your Neighbourhood Officer will visit after you have applied, to inspect your home. They will tell you if you need to do any repairs or decorations before your application is made active and before you will be offered a property.

Your application will be made **non active** if we need to find out whether you qualify to join or remain on the Housing Needs Register, or where we need to check whether you are eligible for a particular band or property type.

What if my circumstances change?

You need to tell us before your circumstances change or as soon as possible afterwards, so we can make sure our records are up to date and that your application is prioritised correctly. You can complete an online change of circumstances form at

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www.welhat.gov.uk

Deliberately worsening your circumstances

If we think you have deliberately worsened your circumstances to gain extra priority on the Housing Needs Register you will be placed in the priority band you held or would have held before your circumstances changed. This will be reviewed after one year from the date you were considered to have deliberately worsened your circumstances.

Are these details kept confidential?

We will only share details about your application if you give us permission to do this or, in the case of a criminal/fraud investigation because the police have the right to ask for information from us.

False or Misleading Information

If we find that you have given us false or misleading information, or have withheld relevant information, we may exclude you from joining the register. This will be agreed by Housing Allocations Manager. If we have already housed you, we can take action to repossess the home. We may also prosecute.

Changes from sole to joint applications and vice versa

1. Sole to Joint applications

If you are a sole applicant who does not have a tenancy with the council or Registered Provider and wish to become a joint applicant with another non-tenant, we will reassess your application and update it to include the other applicant. If you are both already registered on the Housing Needs Register we will reassess both applications. We will keep and update the one which has the highest priority and cancel the other.

If you are a sole applicant who does have a tenancy with the council or Registered Provider, we will reassess your application and update it to include the new joint applicant. If that person is already registered on the Housing Needs Register their sole application will be cancelled.

2. Joint to sole

If we need to end a joint application (for example in the event of a relationship breakdown) the main applicant will normally keep the original application number. We will ask them to complete a change of circumstances form online so that the application can be updated and reassessed. The other applicant will be removed from the original application and asked to complete a new online Housing Needs Register application form so they can reapply for a sole application. We will assess the new application and write to the applicant with confirmation of their band and banding date.

Active/Non active applications

If your application is made non-active (placed in pending) you will not normally be considered for offers of accommodation but will stay on the Housing Needs Register. We
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will usually make an application non-active for a set period of time or until an action has been completed. We can make applications non-active for any of the following reasons:

- If you have not responded to an offer of accommodation, or to a request to contact us about your application. (In these circumstances we would write to you asking that you contact us within 28 days. If you did not make contact within that time we would cancel your application.)
- If we are informed that you have breached your Tenancy Agreement, for example, by acting anti socially, by subletting your home or if your property is in poor condition or decorative order.
- When we are informed of a change in circumstances and those circumstances need to be reassessed

We will consider the individual circumstances - including exceptional circumstances, health issues or support needs - of an applicant before making an application non-active. We will also consider the reasons for the debt and any efforts made to repay debt or arrears and/or change to a pattern of behaviour.

When are applications cancelled?

We can cancel applications for the following reasons:

- If you ask us to cancel your application.
- If you are re-housed as a result of being made an offer of secure accommodation from the council an RP or another Local Authority.
- If you have a sole application that is being replaced by a joint one, or vice versa (see further explanation below).
- If you are no longer permitted by law to remain on the HNR
- If you have not told us that you have changed address and we are unable to contact you.
- If we give you a secure or flexible tenancy, or a local Registered Provider has given you an assured tenancy or starter tenancy.
- If you have **succeeded to** or been **assigned** a secure tenancy or an assured tenancy of a local RP.
- If you have had a secure tenancy or an assured tenancy of a local RP vested in your name.
- If you are a secure tenant or RP tenant and buy your current property under the Right to Buy or Right to Acquire.
- If you are a secure tenant and **mutually exchange** to another property we will cancel and no longer have a recognised housing need.
- If you are a secure or RP tenant and have given up your property or been evicted.
- If you have not made a bid for alternative accommodation for 6 months or more. An exception will be made for those who are:
 - Waiting to downsize from a Council/Housing Association tenancy as a result of under occupation

- Those living in general needs accommodation who wish to move to sheltered accommodation
- Care Leavers we are dealing under the Joint Housing Protocol with Hertfordshire County Council
- Those living in supported housing schemes who are not yet ready to move on
- If you have a change of circumstances which means you no longer qualify for the Housing Needs Register.
- If you have been served with a Notice of Seeking Possession for your council or RP property due to rent arrears or another tenancy breach.
- If you do not provide requested documents within the time frame given.

Can I reapply after my application has been cancelled?

You can reapply to join the Housing Needs Register but your new application will not usually be backdated and may not be included in the same priority banding as before. Anyone applying to join the Housing Needs Register, should have a recognised local connection and housing need as set out in this policy.

Exclusion from the Housing Needs Register

You may be excluded from the HNR for one of the following reasons:

- If you are subject to **immigration control**
- **You are under the age of 60 and do not have a recognised housing need or local connection as outlined in this policy**
- If the **Housing Allocations Manager** has decided that either your behaviour (or that of a member of your household) has been unacceptable or **anti-social** and is serious enough to make you unsuitable as a tenant. Unacceptable behaviour includes supplying false or misleading information.

We will write to tell you why we are excluding your application from the HNR, and tell you how long it is to be excluded for. This period can be indefinite if the behaviour has been seriously anti-social.

You have the right to ask for a review of the decision. Details of how to do that are below. Otherwise, you can apply again at the end of the exclusion period, when the Housing Allocations Manager will reconsider your circumstances.

In some cases, the Council may decide that the behaviour is not serious enough to remove you from the Housing Needs Register but that your application should not receive any **reasonable preference** (to which you would otherwise be entitled). '**Reasonable preference**' is the term used to describe the factors which are used to decide what priority your application has on the HNR.

Section 2. How we prioritise applications

In order to help those in most need the Council has designed a 'banding' system. All
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applications are put into one of four bands (A to D) based on an assessment of their housing need.

Applicants in Band A will have the highest priority, with applicants in Band D having the lowest priority.

Band E is reserved for those with no local connection or recognised housing need who are over the age of 60 and are applying for sheltered accommodation.

Applicants are then further prioritised according to the date (their “priority date”) that they applied. This means that, within each band, preference will be given to applicants that have been registered for the longest period of time in that band.

Special arrangements for those in the Armed forces

If an applicant who is in Band A or B and is in one of the categories listed below, extra priority will be given, by giving a date in band on the date in which they (or their spouse/civil partner) entered the regular forces:

- Persons who are serving in the regular forces or have done so in the five years preceding their application to join the HNR;
- Bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner’s death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner’s entitlement to reside in Ministry of Defence accommodation then ceases;
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.
- Applicants who are given notice to leave the Armed Forces (and their accommodation) are accepted onto the HNR with their date in Band being the date they received their notice.

Moving Between Bands

If an applicant moves from a lower to a higher band at any stage, their “priority” date becomes the date that they entered the higher band. For example, an applicant who becomes homeless may move from Band C to Band B but their “priority” date will be the date that they entered Band B.

If a household moves to a lower band, they keep their original ‘priority’ date.

The **Exceptional Circumstances Panel** may also determine priority bands in accordance with its delegated powers.

The bands are designed to reflect the following factors:

- a) To give **reasonable preference** to applicants demonstrating the greatest housing need.
- b) To give extra preference to people who do not own or who have not owned a

- home (unless you are a home owner who can show financial hardship).
- c) To give extra preference to people who do not have enough **financial resource** to meet their own housing cost.

Section 3. The Priority Bands

Terms marked in **BOLD** are explained in a **glossary** that goes with this policy.

NOTE: The term 'household' means everyone who will live within the accommodation being applied for. Therefore single people are 'households'.

Band A – Applicants with an Urgent Need to Move

- Have been assessed as having **Urgent Medical Priority** or as having **exceptional social circumstances** that are seriously affected by current housing and would be helped with a change of housing. This includes applicants in **immediate danger**.
- A WHC tenant who needs to move because his/her home is about to be demolished or redeveloped or we need to change the use of your property (subject to **time limit**).
- A WHC or RP tenant of a Welwyn Hatfield property with three or more bedrooms who is under occupying the property and will be giving up two or more bedrooms by moving.
- A **successor** to a WHC tenancy who is required to move (subject to **time limit**) because the property is not suitable.
- **Succession**. This applies to where we require successors to WHBC tenancies to move, and it is subject to a time limit. It also applies where there has been a previous succession but the Exceptional Circumstances Panel has agreed to make an offer of accommodation.
- Occupying a property subject to a **compulsory purchase order** and/or WHC has a statutory duty to move them.
- Be **statutorily overcrowded**

Band B – Very High Need to Move

- A homeless household towards whom WHC has accepted a **main duty**, and who are either in **temporary accommodation** or have been registered as **"homeless at home"**

- A household that WHC has assessed as meeting the requirements of the **main housing duty** (to include separated families).
- A household who has been deemed to have very high **social circumstances** that are seriously affected by current housing and would be helped with a change of housing.
- A person or household that has a need to move from care or supported housing, and/or re-housing has been agreed by WHC under a special quota scheme (subject to a time limit)
- A **tiered tenant** whom WHC has a contractual obligation to re-house when their employment ends.
- A tenant of WHC or a local RP (that WHC nominates to) with a **dependent child** or children, occupying a flat above third floor or a bedsit.
- A tenant of WHC or a local RP (that WHC nominates to), occupying a property where three or more children have to share a bedroom.
- A tenant of WHC or a local RP (that WHC nominates to) where 2 persons of opposite sex both have to share a bedroom, where at least one is over 10 years old .
- An ex WHC tenant whom the Council at the time the tenancy ended, agreed to re-house at a future date.
- Applicants who, by joining together to form a single household, will give vacant possession of two properties and/or a local RP property (that WHC nominates to).
- A tenant of WHC or a local RP (that WHC nominates to) who is under occupying the property and will be giving up one bedroom.
- A tenant of WHC or a local RP (that WHC nominates to) who wishes to move from General Needs accommodation to Supported Housing for people over 60 and/or with support needs. This also includes council tenants whose home is due to be decommissioned.
- A WHC tenant living in an adapted property where those **adaptations** are no longer required but could be used by another resident with such a need.

NOTE: This band also recognises applicants with Composite Housing Need. This is a term given to applicants who have been assessed as either **High Medical Priority** or lacking two bedrooms (or more) plus at least one other factor from the list under Band 'C'.

Band C - High Need to Move

- Have been assessed as **High Medical Priority**. **The applicant's current accommodation will be deemed as not appropriate for their medical needs.**
- A household that lacks two bedrooms or more.
- A household who has been deemed to have high **social circumstances** that are affected by current housing and would be helped with a change of housing.

- A household with no **security of tenure** with **dependent child** (or children), which needs to **share facilities** within their accommodation.
- A household that has received a valid **Notice to Quit** from their current landlord to whom WHC would owe a **main duty** when homeless.
- A tenant of WHC or a local RP (that WHC nominates to) who has held a tenancy in bedsit accommodation for at least one year and is seeking a one bedroom flat.
- A tenant of WHC or a local RP (that WHC nominates to) where a parent has to share a bedroom with a child.
- An applicant who has been verified as a Rough Sleeper by the Council's Outreach service.
- Applicants who are living in unaffordable accommodation, who do not have reasonable alternative options, and this has been verified by a Housing Options Officer or Manager within the Council.

Band D - Identified Housing Need

- A member of the household has been assessed as having a **Recognised Medical Priority** or unsatisfactory housing conditions, such as **overcrowding** by lacking one bedroom or lacking amenities unless the Council has assessed you have sufficient financial resources to resolve your own housing need.
- A homeless person or household that does not qualify for Band B. That is, a household towards whom WHC does not have a **statutory housing duty** under homelessness legislation.
- A household with no **security of tenure** without a **dependent child** (or children), which needs to **share facilities** within their accommodation.

Band E - Other Housing Requirements

- No **Local Connection** to the Borough exists and/or the applicant has no identified housing need (as defined in Bands A to D) but who are over the age of 60 and applying for sheltered accommodation.

Section 4 How we allocate properties

With the exception of specialist (such as Extra Care housing or temporary housing for homeless applicants) all properties will be advertised through the Council's website www.welhat.gov.uk

Applicants will need to bid (express an interest) on properties they wish to be considered for. Advertised properties will have details of who is eligible to bid for the property. If applicants are not eligible their bid will not be considered. By advertising properties and inviting applicants to apply, the Council is enabling them to choose where they want to live.

In order to ensure we make the best use of our housing stock, we will label some properties for transfer applicants only. This will help create vacancies so that we can best

meet housing need. These decisions will be recorded at **Exceptional Circumstances Panel**.

All applicants joining the housing needs register will be given additional information digitally, which explains how bids can be made.

Shortlisting

When deciding who to offer a property to we take account of three factors in the following order:

1. Property Eligibility that is applicants' ages, household size and make up in relation to the size and type of property being allocated.
2. Banding Priority on the Housing Needs Register (A to E)
3. Time registered in the band (priority date). Where more than one applicant from the same band has bid and are eligible for the same property, the person who entered that band first will be considered. If more than one applicant shares that date, then the choice will be made on the basis of who has been on the HNR the longest (that is to say, the person who applied first).

The Exceptional Circumstances Panel can make exceptions to this where exceptional circumstances exist.

Property Eligibility

Details of which properties applicants may be eligible for are contained in the tables at the end of this document. We will also make this clear on our property adverts. We expect to make best use of our properties, so for each property type we have set out which household type and need will be given the most priority.

Some households will have special needs, such as a mobility issue. We will set out in the advert for the property if there are special features and which bidders will be given priority.

The Council wishes to make the best use of its housing stock and so in some circumstances a tenant occupying a family sized home, but who wants to move to a smaller property can be considered for properties which are one bed space above their needs. Similarly tenants may be considered for houses, rather than flats or maisonettes. Approval for this needs to be given by the Housing Allocations Manager.

Applicants who require significantly adapted property

Where the council considers (usually on the advice of the council's Independent Medical Advisor) that an applicant has a requirement for a significantly adapted property, the

application will be 'flagged' to show this.

When we advertise a property that has had significant adaptations, we will say on the advert if we are giving extra priority to applicants on this basis. We will then prioritise those applicants from the shortlist, who have an appropriate 'flag' within Bands A to C. This means that an applicant with a flag will have a priority above an applicant who does not have a flag, even if that applicant is in a higher band.

If an applicant successfully bids for an adapted property, but on viewing the property it becomes clear that further adaptations will be required to make it suitable, we will make an assessment as to whether or not the property can be offered.

How are purpose built or significantly adapted properties allocated?

Properties that have been purpose built or significantly adapted for people with disabilities will be advertised. However we will give priority to bidders who have a special need for them. Please see Section Applicants who require significantly adapted property above.

How are partially adapted properties allocated?

We will put details of less significant adaptations in the advert, so that people can make an informed choice about whether a property is suitable.

Examples of partial adaptations may be a level access shower, ramps or widened doorways. In the case of a partially adapted property, we will usually give priority to those applicants who need a particular adaptation over an applicant who does not, within the same band. Where this is the case, we will state this in the advert.

Ground floor flats

Priority for ground floor flats will usually be given to bidders in Bands A-C who have a medical problem which means that ground floor accommodation is required. This will be clearly labelled in the property advert, where appropriate.

Local Lettings Policy

The Council may agree a Local Lettings Policy for properties in its own stock or in partnership with Registered Providers. These policies will outline any specific local letting initiatives for the neighbourhood, taking into account supply and demand and other management factors.

The local letting policies are normally short term measures put in place to address specific local issues - such as promoting sustainable communities and creating balanced communities. Measures may include:

- Increasing the proportion of tenants in employment
- Reducing child density in an area
- Reducing anti-social behaviour or incidence of crime in an area

Local lettings policies may override the normal shortlisting rules for specific neighbourhoods, local housing estates or developments for a specific period of time. Policies will be monitored, developed and amended in response to local circumstances or supply. The use of Local Lettings Policies have to be agreed at Exceptional Circumstances Panel.

Sheltered Accommodation

This accommodation is for those with low to medium support needs

Those wishing to move to sheltered accommodation who do not meet the usual age requirement, can be considered for such accommodation if they have medical factors. Approval for this needs to be given by the Housing Allocations Manager.

Properties in neighbourhood and traditional sheltered housing schemes are reserved only for people over 60 or others with support needs. All sheltered housing properties have emergency call equipment connecting them to the Council's 24-hour control centre.

Neighbourhood schemes have no communal facilities attached. Traditional schemes will have communal facilities available, although these may vary they generally include a communal hall / lounge, communal gardens and laundry facilities.

All sheltered housing properties are charged the Communal Facilities charge which is applied to all tenancies irrespective of whether the services of the Independent Living Officer and use of the facilities are utilised.

Priority for two bed sheltered accommodation will be given to those with a need for it due to the size of their household, identified medical reasons or those downsizing from larger accommodation.

Properties on neighbourhood schemes may be situated amongst homes that are not reserved for elderly people or people with support needs. Some of these properties may be considered for decommissioning in the future. Decommissioned properties are subject to a Local Lettings Policy which will be labelled in the advert and will only be offered to bidders who meet the set criteria until every property in that particular block has been decommissioned.

Households with specific property needs

We will consider applicants' specific property needs and we will try to meet these where possible and appropriate.

If you bid for something that you are eligible to bid for, but it is apparent to us that the property is not suitable for your specific needs, we will overlook your bid and explain the reasons for this.

Registered Provider Nominations

June 2020

All RP properties for which we have nomination rights will be advertised in the same way as our own properties. We nominate applicants to local registered landlords in accordance with the same priorities we use in allocating Council-owned dwellings. Some RPs sometimes use extra rules, however. An example would be the size of household that may occupy a property. If this is the case, this will be clearly stated in the advert.

Section 5 The Bidding Process

Bidding methods

Applicants can bid on the website www.welhat.gov.uk
Applicants can bid for as many properties as they wish at a time.

The majority of bids will be made directly by applicants, however in certain circumstances the following may apply:

Auto bidding. This is where an applicant may need help with the bidding process and a third party has not been identified to assist them. The Council will speak to the applicant about their preference of area and property type and then set up Auto-Bidding.

All applicants who we have accepted a full duty to under the homeless legislation will be set up for Auto-Bidding as soon as duty has been accepted.

Approved bidding. Some applicants will be marked as 'approved'. This means that the applicant can bid for properties themselves, but that certain restrictions may be placed on where they can live or the property type they can be offered. For example an applicant who has a history of offending behaviour and we do not want them to live near their victim(s) in such cases, the bid will need to be approved before an offer will be made. We will make applicants aware that their bids will need to be approved.

Time limited bidding

Some applicants will be subject to time limited bidding. This means applicants will be given a time frame for how long they can bid before 'active' bidding (as described above) will be introduced. Each case will be considered on its own merits and in certain circumstances the original time frame may be extended – for instance because a suitable property has not become available. Examples of where time limited bidding will apply:

- An applicant who has been given a higher priority band due to an urgent need to move, such as domestic violence or harassment
- A statutory successor, who is living in accommodation unsuitable for their needs
- An applicant who has been placed in a higher priority Band as a result of an agreed quota scheme

These bids will be monitored and if applicants are not bidding appropriately the additional priority would need to be reconsidered.

Section 6: How we make offers of properties

How are offers of accommodation made?

We will draw up a shortlist of all applicants who have bid for the property. We will verify each applicant in turn, working from the top of the list. At this stage we will check the following:

- That the details of your application are accurate, including eligibility for the property and the priority band in which you have been placed.
- That there has been no change of circumstances
- That your current rent account, the condition of your property and conduct of your tenancy (for tenants of the council and local Registered Providers) is satisfactory
- Whether there are any support issues that require a support plan
- For an approved bidder, we will also check if the bid made is within the criteria we have agreed

When you are eligible for an offer of accommodation we will contact you. Offer letters may be emailed hand delivered or posted. We may also contact you by phone or email. If you are a WHBC tenant, any offer is subject to your home being in a satisfactory decorative condition, not damaged and with no unauthorised alterations.

Pre allocation Offers

We sometimes offer a property before it is ready for letting. The property may even still have a tenant living there under Notice that the tenancy is to end. This is called 'pre-allocation'.

Accompanied Viewings

We always aim for the Neighbourhood Officer to attend the viewing of the property with the successful applicant. For sheltered properties, the Independent Living Officer will also attend. Normally, no viewing will take place until the necessary repair works have been completed.

Provisional Offers for people with support needs

Properties that are reserved for people over 60, or with support needs only, may be offered on a 'provisional' basis, subject to a satisfactory Needs Assessment. The Independent Living Officer completes the assessment in order to find out whether the scheme is suitable for you, and that your needs can be met by the supported housing service.

Applicants who have Personal Connections with Council employees, Council Board

members and representatives

Staff offering a property to any of the following applicants must pass the details to the Head of Housing and Community or the Head of Housing Operations. They will arrange for the offer to be checked.

- All Council employees
- Family members of Housing Services staff, or anyone else with whom they have a close personal connection.
- Any Welwyn Hatfield Council Member
- Any member of the Welwyn Hatfield Tenants' Panel

When are offers not made?

Offers will not be made if any of the following applies:

- If a property has been purpose built, or significantly adapted for a person with a disability and you do not need that type of property.
- If we are made aware that you have rent arrears or a debt relating to a current or former tenancy.
- If you are below the age of 18 and have no guarantor and no support being provided by Social Services.
- If a **local lettings policy** is in operation and you do not meet the criteria.
- If you would be bringing pets that are not allowed.
- If a nomination to an Registered Provider would not meet the rules of that landlord about income, household size and or for any other reason.
- If you need a level or type of support that the property or scheme cannot provide.

When are offers withdrawn?

An offer may be withdrawn for one of the following reasons:

- If we find that the property is not suitable for your needs or circumstances.
- If we find that you are not entitled to the offer.
- If you are currently a WHBC tenant and the condition of your current property is not satisfactory.
- If you have not responded to the offer.
- Where an error has been made in the advertising criteria
- Where there has been a serious breach of tenancy subsequent to the offer, but before it has been accepted.

How long do I have to decide?

We would normally expect a decision from you within two working days of the offer being
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made.

If we have received no response within two days and have been unable to contact you, we may withdraw the offer and treat it as a refusal.

What if I refuse an offer?

Generally applicants may refuse any offer of accommodation they have successfully bid for without penalty. However, if an applicant refuses three offers, we will contact them to discuss this. In exceptional circumstances, where there have been multiple refusals, the Housing Allocations Manager will be asked to consider whether the application should be made 'non active' for a period of time. Applicants who we have accepted a duty to under the homeless legislation or are considered as a separated family/homeless at home are normally expected to accept the first offer that is made to them.

Time limited bidders

If you have refused an offer and you are a 'time limited' bidder, we will contact you immediately to check your reasons and to ensure that you understand any implications this may have. In certain circumstances, if you do not accept an offer of housing within the timeframe given, your priority will be reduced. (For example if you are an applicant who has been placed in Band B because the council believes you are likely to be homeless, and priority need, and we wish to prevent this).

What happens when I accept an offer of accommodation?

When the property is ready for letting, we will write to invite you to the Housing Office to sign for the tenancy and complete other paperwork.

If you are already a tenant of WHBC or a local RP, you must give up **vacant possession** of your current home and return the keys on an agreed date (normally the date the new tenancy starts). If you return the keys late, you will be charged rent on both properties. If you claim Housing Benefit or Universal Credit you will normally have to cover this cost yourself. You will need to contact Housing Benefits/Universal Credit teams for further advice.

Once you have accepted and signed for the tenancy, your HNR application will be cancelled. You will then be expected to use the property as your main home and otherwise keep to the terms and conditions of the tenancy agreement.

Section 7: What type of tenancy will I be offered?

There are several different types of tenancy.

Secure Tenancies

This is a permanent tenancy of a Council property. If you are a secure tenant we cannot evict you without a court order, and possession can only be granted on certain grounds. There are other rights associated with a secure tenancy including the Right to Buy and the Right to Mutually Exchange.

Assured Tenancies

Registered Providers grant assured tenancies. They are similar to secure tenancies given by the Council. If you are nominated to a Registered Provider property and have an assured tenancy your landlord cannot evict you without a court order, although the grounds for possession may be slightly different than for a Council tenant. Assured tenants can **mutually exchange** (with Council tenants as well as Registered Provider tenants) and may be able to buy their home under the Right to Acquire scheme.

Non-Secure Tenancies

Non-secure tenancies are temporary tenancies. We offer them to people to whom we have an interim (temporary) or full duty under the homeless provisions of the Housing Act 1996 (part 7). If you are a non-secure tenant you do have certain rights but not have the full rights of a secure or assured tenant. For example, there is no Right to Buy and no right to mutually exchange.

Sole and Joint Tenancies

We offer sole tenancies to single applicants. We would normally offer a joint tenancy to co-habiting couples and other people living together (or wanting to live together) as a couple, unless **immigration control** applies. Sole and joint tenancies may be secure, non-secure or assured.

Registered Provider

A starter tenancy is an assured shorthold tenancy issued by a housing association. A starter tenancy normally lasts for one year and, provided no legal action has been taken due to a breach of tenancy conditions, the tenancy becomes assured at the end of the trial period.

Fixed Term Tenancy (Sometimes called Flexible)

This is an assured tenancy of a Registered Provider which is granted for a fixed period, for example 5 years. At the end of this period a review will take place of your circumstances to determine whether you will be offered another fixed term tenancy in this property.

Flexible Tenancy

This is a secure tenancy type offered by Councils' or Registered Providers which is granted for a fixed term, for example 5 years. At the end of this period a review of your circumstances will take place to determine whether you will be offered another fixed term tenancy in this property. In certain circumstances, following the review of the flexible tenancy we may offer this on a shorter term i.e. for two years. As a flexible tenant, you have the same rights as a secure tenant for the duration of the term unless you are in sheltered housing.

A WHBC flexible tenancy is for a fixed term of five years. At the end of the fixed term we will either;

- Renew the tenancy for a further five years
- Terminate the tenancy but offer alternative accommodation suitable to the current household need
- Terminate the tenancy with no offer of alternative accommodation

For further explanation please refer to the Council's Tenancy Policy or Flexible Fixed Term Tenancy Review Procedure

Section 8: Exceptions and Special Allocations

The **Exceptional Circumstances Panel** must approve these.

Following the death of a tenant

There might be circumstances where, following the death of a tenant, the person(s) remaining in the property has no legal right to **succeed** to the tenancy but the Panel agrees to re-house them in another property.

Where a person has succeeded to a home that is too large or unsuitable for their needs, the Council will require them to move to more suitable accommodation. If they choose to do so through the Housing Needs Register, their application will be placed in Band A. for an agreed time limit. Each case will be considered individually and the time limit will be based on the applicant's circumstances and the type of property they are considered suitable for.

Management Transfer

In order to make the best use of our properties, we may re-house applicants outside the standard scheme if it will release a property that is suitable for a person with disabilities or special needs, or if it is a type of property that rarely becomes available and is urgently needed by another applicant.

The accommodation released might be one of our own properties or be owned by a RP or other responsible landlord.

Special Project nominations

The Council is able to nominate applicants to a number of support schemes. These currently include Housing First, Paradigm, GAP Scheme, The Foyer Project, Mably House, care leavers and the YMCA. Nominees must be in housing need and on the Housing Needs Register.

Other exceptional cases

Properties needing “sensitive” allocation (where an LLP is in place), including **decommissioned** properties in a block that has not been fully decommissioned.

The **Exceptional Circumstances Panel** also has powers to consider other special cases where an exception to the Council’s usual policy may need to be made.

Special Allocations not normally requiring **Exceptional Circumstances Panel** approval:

Special Schemes

For example: new bungalow developments reserved to give priority to elderly tenants who are currently living in accommodation too big for their needs in the immediately surrounding area.

Social Services co-operation

In some cases we might co-operate with Social Services in helping to provide services for children in need, under the provisions of the Children Act 1989, or other people with special needs.

We will also consider exceptions when applications are received where Hertfordshire County Council are involved in the case due to one of the following reasons:

- Possible Adoption or Fostering
- Special Guardianship Orders
- Child arrangement orders

The **Housing Allocations Manager** will consider the case in consultation with Hertfordshire County Council. Each case will be considered on its own merits given the information available to us and the likelihood of the applicants housing situation being resolved through the Housing Needs Register.

Surrender of Tenancy Scheme

This is a scheme for WHBC tenants who give up their tenancy and move out of the immediate area temporarily (normally for one to two years). We agree to re-house them on their return or, if they choose they may bid for a property managed by a Registered Social Landlord.

If you want to join this scheme you must apply before ending your tenancy and must join the Housing Needs Register when you return. Any application for this scheme must be approved by the **Neighbourhood and Enforcement Manager**.

How quickly you will be able to bid successfully on your return will depend on the availability of suitable properties and whether other applicants are in more urgent need.

The housing offered will normally be dependent on your household type or size at the time but will not normally be larger than the home you previously occupied.

Shared Ownership

If you would like to own your own home, but cannot afford to buy a property outright on the open market, shared ownership may be an option. If you are currently employed or have enough other means to pay for the mortgage and associated costs, you may be eligible.

The scheme enables you to buy a share of a property from a RP and pay rent on the remainder. The percentage initially purchased is between 25% and 75% and the share may be increased, if you can afford it, until you own the whole of the property.

Shared Ownership properties in Hertfordshire are advertised and allocated via www.helptobuyagent3.or.uk

Capacity to hold a tenancy

Taking on a tenancy or a licence means entering a contract. This requires legal capacity.

In lay terms legal capacity means three things:

- being able to make a decision
- understanding there is a choice and wanting to enter a contract
- understanding the obligations of the contract e.g. to pay rent, keep the terms of the tenancy

In law there is a presumption that a person is capable until proved otherwise. The test of capacity should be functional i.e. take account of the particular activity and the complexity of the elements of the contract not a blanket test that a person is incapable of understanding. A Housing Options Officer will meet with the applicant and assess all circumstances including professional opinions from those organisations working with the applicant in line with the Mental Capacity Act 2005.

PROPERTIES FOR WHICH DIFFERENT HOUSEHOLD TYPES MAY APPLY

HOUSEHOLD TYPE	Bed Sit	1 bed flat or maisonette	1 bed house	2bed flat or maisonette sheltered	2 bed flat or maisonette below 3 rd floor	2 bed flat or maisonette 3 rd floor or above	2 bed house	3 bed flat/maisonette	3 bed house	4 bed house	5 or 6 bedrooms	1 bed bungalow*	2 bed bungalow*	3 bed bungalow*
• Single	X	x	x	x								X	X	
• Couple	X	x	x	X		x						X	X	
• Older people (over 60)	X	x		x								X	X	
• Entitled to 2B accom					x	x							X	x
• Family entitled to 2bed accom					x	x	x	x					X	
• Family entitled to 3bed accom								x	x					x
• Family entitled to 4 or more bed accom									x	x	x			x

* Bungalows will only normally be offered to applicants over 60 or those with a disabled family.

** Sheltered properties carry an additional small charge.

Household type composition

Welwyn Hatfield Household type	Number of people in this group
Couple	2 over 16
Ent. to 2 bed accommodation	1 / 2 over 16 +/ 1 child over 18
Ent. to 2 bed GF accommodation	1 / 2 over 16 +/ 1 child over 18. At least one person in the family requires ground floor accommodation
Family 4/more beds	1 / 2 over 16 with 4 or more children
Family ent. to 2 beds	1 / 2 over 16 with one child under 18
Family ent. to 3 beds	1 / 2 over 16 with two or three children
Older person Couple	2 where one is over 60 years of age
Single older person	1 over 60
Single	1 over 16

GENERAL NEEDS PROPERTIES PRIORITIES TABLE

Welwyn Hatfield Household type	Number of people in this group
Couple	2 over 16
Ent. to 2 bed accommodation	1 / 2 over 16 +/- 1 child over 18
Ent. to 2 bed GF accommodation	1 / 2 over 16 +/- 1 child over 18. At least one person in the family requires ground floor accommodation
Family 4/more beds	1 / 2 over 16 with 4 or more children
Family ent. to 2 beds	1 / 2 over 16 with one child under 18
Family ent. to 3 beds	1 / 2 over 16 with two or three children
Older person Couple	2 where one is over 60 years of age
Single older person	1 over 60
Single	1 over 16

Note: A family can be a couple or single person with one child or more living with them.

PROPERTIES PRIORITIES TABLE (FOR PEOPLE OVER 60 OR WITH SUPPORT NEEDS)

<u>PROPERTY TYPE</u>	<u>PRIORITY HOUSEHOLD GROUP</u>
Bed-sitter/one bedroom flats and bungalows designated for use by older people where the Communal Facilities Charge is payable.	Single people, couples who are over 60 AND Single people, couples, who have support needs
Two bedroom flats and maisonettes designated for use by older people where the Communal Facilities charge is payable.	<u>Those over 60 who are downsizing or need a two bed due to household size or medical reasons.</u> <u>Single people, couples who are over 60</u> AND <u>Single people, couples, who have support needs</u>
Two bedroom bungalows designated for use by older people where the Communal Facilities Charge is payable.	<u>Those over 60 who are downsizing or need a two bed due to household size or medical reasons</u> Single people, couples, who are over 60 AND Single people, couples, who have support needs

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Access to information

We want our customers to be able to access information and services as easily as possible, in ways that suit them. We can provide information in different formats or other help where this is needed. The type of help we can provide includes:

- Translations into:
 - Different languages
 - Braille
 - Easy Read
 - Large Print
 - Audio
- Accessible pdf documents
- Telephone interpreting
- Face-to-face interpreting (including sign language)

Please contact us if you need help accessing any information about our services.