

# Public Document Pack



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

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31 January 2019

### CABINET

A meeting of the **Cabinet** will be held at **6.30 pm** on **Tuesday 12 February 2019** in **The Olympic Room - Aylesbury Vale District Council**, when your attendance is requested.

**NOTE:** There will be an informal session starting at 6.15 pm to give Members the opportunity to comment on issues on the Agenda. The press and public may attend as observers.

**Membership:** Councillors: A Macpherson (Leader), S Bowles (Deputy Leader), P Irwin, H Mordue, C Paternoster, Sir Beville Stanier Bt, P Strachan, J Ward and M Winn

Contact Officer for meeting arrangements: Bill Ashton; [bashton@aylesburyvaledc.gov.uk](mailto:bashton@aylesburyvaledc.gov.uk);

### AGENDA

#### 1. APOLOGIES

#### 2. MINUTES (Pages 3 - 16)

To approve as correct records the Minutes of the meetings held on 10 January, 2019, and 16 January, 2019, copies attached as appendices.

#### 3. DECLARATIONS OF INTEREST

Members to declare any interests.

#### 4. BUCKS HOME CHOICE ALLOCATIONS POLICY UPDATE (Pages 17 - 78) Councillor Winn Cabinet Member for Communities

To consider the attached report.

Contact Officer: Julie Oliver (01296) 585109



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# Public Document Pack Agenda Item 2

## CABINET

10 JANUARY 2019

**PRESENT:** Councillor A Macpherson (Leader); Councillors S Bowles (Deputy Leader), P Irwin, H Mordue, C Paternoster, Sir Beville Stanier Bt, P Strachan, J Ward and M Winn

**IN ATTENDANCE:** Councillors C Adams and R Stuchbury

### 1. MINUTES

RESOLVED –

That the Minutes of 18 December, 2018, be approved as a correct record.

### 2. NEW SINGLE DISTRICT UNITARY STRUCTURAL ORDER

There were three pieces of legislation required at this stage of the Parliamentary process and which would give effect to the decision of the Secretary of State set out in the written ministerial statement of 1 November, 2018:-

- (a) The Changes to the Year of Election Order which in essence delayed the District and Parish elections for a year. The Returning Officers of the District Councils had requested that this Order should be made to save the expense and administration of these elections. This Order had been laid in December and would come into effect on 18 January.
- (b) The Modification Order made under the Cities and Local Government Devolution Act, 2016 which would modify the legislation which provided for the Structural Change Order to be made. This meant that the Secretary of State could make that that Order without the need to comply with all the usual requirements including to issue an invitation for a submission and to proceed without carrying out public consultation. The Modification Order could be made before 31 March, 2019 if one local authority consented. After that date it would require the consent of all five councils. The Cabinet report invited Members to consider whether to give that consent.
- (c) The Structural Changes Order set out the arrangements for the transition. The content of this Order had been subject to informal consultation with the five local authorities and the Secretary of State had made the decisions necessary to determine the content of the Order to be laid, where agreement could not be reached between the authorities.

Following the ministerial statement on 1 November, 2018, discussions had taken place between the leaders of the four district councils, the Leader of the county council, the Chief Executives of all five local authorities and representatives from the Ministry for Housing, Communities and Local Government (MHCLG) about the content of the Structural Changes Order.

As a result of those discussions and having considered representations, the Secretary of State had reached decisions about the detail of the draft Buckinghamshire (Structural Changes) Order 2019 (SCO). On 3 January 2019, the decision as to the content of these Orders had been communicated to the Leaders and Chief Executives, but subject

to an embargo. The following was a summary of the decisions made by the Secretary of State on the draft Orders:-

<b>Arrangements</b>	<b>District View</b>	<b>County View</b>	<b>Decision of the Secretary of State</b>
<b>(1) Name</b>	Buckinghamshire Council	Buckinghamshire Council	By agreement
<b>(2) Size of the New Council</b>	Three members per ward (147)	Two members per ward (98)	Three members per ward (147)
<b>(3) Election dates and cycles</b>	Electoral cycle for the new Council to be 2020, 2025, 2029	Electoral cycle for the new Council to be 2020,2025,2029	By agreement
<b>(4) Shadow Authority Membership</b>	All existing members (202)	Equal (49:49) District and County Membership (98)	All existing Members (202)
<b>(5) Shadow Executive Membership</b>	Equal representation from each of the 5 Councils	Majority of County members	17 members, 8 from the District and 8 from the County plus County Leader
<b>(6) Shadow Executive Chairman</b>	To be elected by the Shadow Authority	To specify the County Council Leader	To specify the County Council Leader with a District Council nominee as Deputy.
<b>(7) Appointment of Interim Officers</b>	To be appointed by the Shadow Authority	To be appointed by the Shadow Executive	To be appointed by the Shadow Authority on the recommendation of the Shadow Executive
<b>(8) Officer to set up the first meeting of the Shadow Authority</b>	Proper Officer of Wycombe District Council (Karen Satterford)	Proper Officer of County Council (Sarah Ashmead)	Both officers with the WDC Proper Officer as deputy
<b>(9) Officer to lead Implementation Team</b>	To be appointed by the Shadow Authority	The Chief Executive of the County Council	The Chief Executive of the County Council. The deputy to be a District Council CEX.

The Cabinet report contained a commentary on each of the above. With particular regard to item (5) above, it was reported that the Shadow Executive Committee would be responsible for making the vast majority of the decisions on the transition to the new council. The Members to serve on this Committee would be drawn from the existing membership of the five councils. Only 17 Members would serve on the Committee and make the majority of the transition decisions. The proportion of Members from the five councils on the Shadow Executive Committee would be set out in the SCO. The district councils believed that all councils should have the same representation. The county council had however felt that it should have the overall majority of members.

As a consensus could not be reached, the Secretary of State had considered representations from all five councils and had decided that there would be 17 Members on the Shadow Executive Committee. Eight Members would be nominated by the

county council and eight Members would be nominated by the district councils, with two Members being nominated by each district council. There would also be a chairman to bring the total number to 17.

With reference to item (6) above, Cabinet was reminded that currently all five councils across Bucks elected a Leader at a meeting of the whole council. In other recent local government reorganisations, the chairman had been elected by all the Members of the Shadow Executive Committee. The districts had made representations that the Shadow Executive Leader would be more likely to have the support of all areas if the election involved all Members of the Shadow Authority. The county council had felt that the Leader of the county council should be the chairman of the Shadow Executive Committee.

As consensus could not be reached, the Secretary of State had decided that the leader of the Shadow Executive would be the Leader of the county council and this would be specified in the draft Orders. The Deputy Chairman (to act in the absence of the Chairman) would be nominated by the district council Members only.

With regard to Items (7), (8) and (9), the Shadow Authority would appoint three interim statutory officers – these roles being the head of the paid service (responsible for staff), monitoring officer (responsible for ensuring lawfulness) and chief financial officer (with responsibility for ensuring proper financial management).

The Secretary of State had decided that the Shadow Executive Committee would appoint the interim officers to the Shadow Authority. If the Shadow Authority disagreed with the Shadow Executive, the decision would rest with the Shadow Executive. This would be specified within the draft Orders.

The information provided as part of the consultation had indicated that the appointment of the officer to lead the implementation team would be made by the Shadow Authority and the districts had supported this approach. The Secretary of State had however specified the Chief Executive of the county council as the leader of the implementation team. The proper officer responsible for setting up the first meeting of the Shadow Authority would be either the proper officer of the county council or Wycombe D C. The Secretary of State had decided that they should do so together with the Wycombe D C proper officer acting as deputy.

The draft Structural Changes Order set out in the preamble that its purpose was to implement the proposal from the county council. The preamble did not form part of the Order but it would be used to provide context for the specific provisions of the Order. The Order made it clear that that it was implementing the county proposal by specifying that the area of the new council would cover the area of the existing county council. It also described the electoral wards in accordance with county divisions albeit that the Secretary of State had decided to modify the electoral arrangements in the county proposal from two Members per ward to three.

In addition to giving effect to the Order in the ways described earlier in this Minute, the SCO also required that decision makers “have regard to” the county council submission, including the business case. The district councils had requested that regard should also be had to their submission insofar as it was consistent with the wider provisions of the Order but this had not been accepted by the Secretary of State. The Cabinet report defined the term “have regard to”.

The matters referred to above would be set out within the SCO which would be made under the provisions of the Local Government and Public Involvement in Health Act 2007. The Act required amongst other things, that an invitation was made by the Secretary of State to all the councils in the area. If there was no such invitation, then a modification to the legislation was required. The Modification Order would be in

accordance with the provisions of either sub section 4 or 5 of section 15 of the Cities and Local Government Devolution Act 2016. Under this Act, the secretary of State must have the consent of all councils under sub section 4, or he could make regulations under sub section 5 in relation to structural or boundary provision, which would require the consent of only one council.

The latter provision was time limited and would expire at the end of March, 2019. This meant that, if for any reason, there was insufficient Parliamentary time to make the Order, then it would not be possible to do so without the consent of all five councils. In summary therefore, sub section 4 required the consent of all local authorities, whereas sub section 5 required the consent of just one. Sub section 5 expired at the end of March. Sub section 4 did not expire.

The proposed modification set aside the requirement to invite local authorities to make submissions (the county council had made its submission without a formal invitation from the Secretary of State). It also set aside the requirement to carry out public consultation. Furthermore, it removed the discretion to consult the Local Government Boundary Commission for England. Instead, the Secretary of State was able to proceed to make a decision with the consent of the relevant local authorities and on the basis of the proposal received from the county council.

The Secretary of State would have to specify the relevant sub section when he laid the regulations and so would need to know whether he was relying on the consent of one local authority (and therefore had to ensure the legislation made its way through the parliamentary process before the end of march), or whether he had the consent of all five councils (and there was no deadline for the legislation to be made. If just one authority did not give consent then the regulations would be made under sub section 5.

The Cabinet report included a copy of the Secretary of State's formal communication to the Leader of this Council summarising the position. It was understood that the draft Order and regulations (statutory instruments) would be laid on 14 January, 2019 and would appear on the Parliamentary web site that day or the day after. The draft statutory instruments would then be considered by the committees.

After those considerations, it would be debated and approved by both Houses of Parliament. In the Commons there was a Standing Committee; Members could vote but any MP could attend. This process would take approximately five to six weeks up to this point. It would then go to the floor of the House of Commons for the approval motion. That approval could not be debated but it could be voted upon. In the House of Lords the process was broadly similar. There was initial consideration by a grand committee, after which it went to the floor of the House of Lords for the approval motion. Unlike, the Commons, the Lords could debate it. The Statutory Instruments would come into force on the day after the day on which they were made. This process had to be completed by the end of March, 2019 if the Secretary of State did not have the consent of all councils in the area.

The Chief Executive updated Cabinet on the discussions held between the Chief Executives of all the Councils and representatives of the MHCLG after the Cabinet agenda had been despatched at which it had become clear that there could be delays in receiving Parliamentary approval to the Structural Change Orders.

The purpose of this special Cabinet meeting was to decide whether to consent to the Modification Order. The Secretary of State required a response before 11 January, 2019 and the urgency procedure provided for in the Constitution had been invoked, precluding call-in of Cabinet's decision in view of the timescale for responding.

Whilst remaining of the view that unitary local government would be the most efficient and cost effective way to deliver high quality services to stakeholders within the Vale, this should not be at the cost of removal by statute of the traditional processes associated with the selection of council leadership. Such arrangements would be totally contrary to the long accepted principles of maintaining local sovereignty, democracy, transparency and accountability. (The objection to giving consent was based on the predominance (9:8) of county council members over district council members on the Executive. Accordingly it was,

RESOLVED –

- (1) That the content of the draft Buckinghamshire (Structural Changes) Order 2019 be noted.
- (2) That, for the reasons outlined above, the Council does not give its consent in accordance with the provisions of section 15 of the Cities and Local Government Devolution Act, 2016.
- (3) That the Leader be asked to write to the Secretary of State to reflect the views of Cabinet.

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## **CABINET**

**16 JANUARY 2019**

**PRESENT:** Councillors S Bowles (Deputy Leader, in the Chair), P Irwin, H Mordue, C Paternoster, Sir Beville Stanier Bt, J Ward and M Winn.

**IN ATTENDANCE:** Councillors P Fealey, R King, S Morgan, W Raja, M Rand, S Renshell and R Stuchbury.

**APOLOGIES:** Councillors A Macpherson and P Strachan.

### **1. FINAL BUDGET PROPOSALS FOR 2019/20**

The report to Cabinet on 18 December, 2018, had presented a set of initial budget proposals. That report had highlighted uncertainty around a number of issues, particularly further reductions in Government Grant, retained business rates and New Homes Bonus. Since the December meeting, work had continued to refine the budget assumptions. In practice, little had changed materially at a service level. The significant elements of the final budget proposals were around the impact of the Government Grant numbers and changes to other centrally funded support.

As set out previously, it was intended to support the Connected Knowledge Programme through the use of NHB reserves. The Programme underpinned many of the components of service delivery and commercial AVDC, and therefore the ability to meet the financial agenda of the Council over the coming years. The final recommended budget had been attached to the Cabinet report as Appendix A1. A summary of the changes, savings and pressures which had been used to arrive at the summary position had been attached as Appendices A2, C and D.

The Government had announced the draft Grant settlement for councils on 13 December, 2018. Despite some indications that there might be significant changes to reflect on-going pressures on the wider local government sector, the Government had largely honoured its commitments contained within the four year settlement and had left the pre-announced Grant numbers mostly unchanged. The important numbers of Revenue Support Grant and Baseline Business Rates were virtually the same as those that had been announced for 2019/20 last year, within the four year settlement. As had been anticipated, the Government had also provided extra resources in 2019/20 to cancel the negative RSG adjustment to tariffs and top-up. The confirmed impact of the change would benefit the Council by £687,000. This would be a non-recurrent re-aligning of funding.

Cabinet had previously agreed that the funding should be ring fenced to support likely and known pressures during 2019/20, to include £0.3m to support the on-going housing growth agenda in Aylesbury Vale and the associated infrastructure schemes, such as HS2, East-West Rail and the Oxford/Cambridge Expressway. Cabinet felt that the remaining £0.4m should be allocated to meet the costs of the car park changes (replacement equipment) detailed in the Car Park Strategy.

The Government had also announced consultations on the further progression of the Fair Funding Review in advance of the provisional 2019/20 settlement, and the redesign of business rates retention by the end of the year. A new system (Fair Funding), based on the Government consultation, would be introduced in 2020/21 alongside a Government wide Comprehensive Funding review.

The Fair Funding review would affect how funding was allocated and redistributed between local authorities from 2020 onwards. It was expected to use three main cost

drivers: population, deprivation and sparsity, together with additional cost drivers related to specific local authority services.

Alongside the new methodology, in 2020/21, a new phase for the business rates retention programme would also be introduced. The aim was for local authorities to retain 75% of business rates growth from 2020/21, and this was intended to be a lever and incentive for local authorities to grow their own economies. As part of the Finance Settlement, the Government had confirmed that a third phase of business rates retention pilots would go ahead from April, 2019, with a 75% retention scheme.

Buckinghamshire had been awarded Pilot Status for 75% business rates retention in 2019/20. New 75% pilots in 2019/20 would not only increase the level of retained rates to the Council but would also provide the opportunity to test and gather information on the design of the new business rates retention system in preparation for 2020/21. The pilots would test the authorities' administration, technical planning for implementation, and look at system maintenance; how the accounting, data collection and IT systems would work. The actual gain from the revised rates initiative would not be known with any certainty until after the financial year had finished but it had been estimated that the financial benefit to AVDC would be circa £1.6m.

The initial budget proposals for 2019/20 and for the period of the Medium term Financial Plan (MTFP) did not propose any changes to the contribution from New Homes Bonus into the revenue budget, which remained at £1.178m. The Government had decided not to increase the New Homes Bonus threshold further next year, and had provided an extra £18m to fund this.

£5.99m would be received in 2019/20 for AVDC for new Homes Bonus, which included previous years' delivery. For New Homes Bonus, 2019/20 represented the final year of funding agreed through the Spending Review. The final funding allocation for the 2019 to 2020 settlement would be laid before the House of Commons in February, 2019.

The initial budget proposals agreed by Cabinet had recommended increasing Council tax by the assumed maximum expected amount of £5 (3.35%). The Finance Settlement did not provide any more spending power, as councils could already increase Council tax by 3% or more due to the £5 flexibility. The Finance Settlement had confirmed the Council's ability to increase its tax by this amount and therefore, for the reasons justified by Cabinet in December, 2018, (i.e. as a means of partially mitigating the reductions in Government Grant and thereby protecting services valued by residents and businesses in the Vale), it was proposed that this maximum increase be implemented from 1 April, 2019.

A Council Tax increase of £5 would generate £366,700 pa and would represent an increase equivalent to 10 pence per week and would increase the Band D Council Tax for AVDC to £154.06. In the Finance Settlement announcement, no changes had been proposed in terms of the referendum principles for Town and Parish Councils. Government had previously confirmed that they were deferring setting referendum principles for Town and Parish Councils for three years.

Council Tax harmonisation would be something that the Shadow Council would need to consider as part of its preparation for the new council. To the best of officers' knowledge, all councils in Buckinghamshire were continuing to exercise their current Council Tax strategies ahead of this work without specific reference to the potential decisions of the new council around harmonisation.

Earmarked reserves represented the prudent saving of sums against the recognition of future financial events which, if not prepared for, would be difficult to deal with at the point at which they occurred. In summary, earmarked reserves were an essential part

of sound financial planning. The vast majority of reserves held were for legitimate reasons and the balances were considered to be reasonable given a fair assessment of the budgetary pressures that they were held against.

The size of the reserves and the different timespans over which they would be required presented an opportunity to mitigate some of the unforeseeable pressures. The total balance held in reserves was expected to reduce significantly over the next two years as the pressures against which they were being held materialised and the infrastructure schemes for which the New Homes Bonus was held, were delivered. Cabinet had previously agreed to re-purpose the Business Rates Equalisation Reserve and the Interest Rate Equalisation Reserve in order to provide the Council with initial financial capacity to respond to the costs of local government reorganisation.

The fees and charges were reviewed as part of the budget process each year and details of those proposed for 2019/20 had been attached as an Appendix to the Cabinet report.

The 2019/20 MTFP assumed a balanced budget with no use of balances. Although the focus was on 2019/20, consideration needed to be given to 2020 and beyond because of AVDC's obligation to hand over its affairs to the successor authority in a fit state. These efficiencies would contribute towards balancing the budgets in future years. Working balances for 2019/20 had been anticipated to be £1.927m, marginally below the minimum assessed level for the year of £2m. A schedule with details of the forecast General reserves balances position was submitted.

The Cabinet report set out those issues facing the Council in developing budget proposals for 2019/20 and in terms of updating the MTFP. The largest and most significant issue was the announcement of a unitary district council for Buckinghamshire.

This fundamentally changed what would happen during the period of the proposed MTFP. This clearly removed the need for medium term planning for Aylesbury Vale as a single entity organisation, although the Council remained obligated to hand over its affairs to the new organisation in the best possible state. This meant continuing to tackle known budgetary issues, generating income streams and balancing its finances. At this early stage, the financial implications of the unitary announcement were yet to be fully understood. It was noted that as things became clearer, the significant financial impacts would be reported to Members.

As mentioned earlier in this Minute, with the need to resource an implementation plan for the new council and the need to manage staffing costs across the transition period, Cabinet had previously agreed that the equalisation funds for business rates and interest rates be re-purposed and made available to offset the transition costs associated with local government reorganisation, subject to any demands being placed on these reserves in 2019/20. This would provide initial flexibility, but there was no certainty at this stage whether this would be sufficient (when pooled with the other councils) to see through the reorganisation.

The period of the MTFP would fall within the timescale for the UK to leave the European Union. No financial implications of the change had been incorporated into the current MTFP, although had been taken into account in the level of un-earmarked balances available. The implications for the Council would be wide ranging, with likely impacts on the value of sterling and spending powers, possible impact on local businesses and business rates and also impact on availability of workforce.

At its meeting in November, Cabinet had agreed that as part of the budget setting process for 2019/20, the Council should adopt a corporate strategy which was focused on:-

- Ensuring that AVDC was financially fit, including ensuring its commercial approaches of the past continued and the Council continued to grow and diversify income streams.
- Leading and shaping place, ensuring that VALP was adopted and that the District's towns, villages and other areas were cherished whilst managing planned growth and pursuing regeneration.
- Focusing on customers and innovation in customer delivery and digitisation.
- Ensuring that partners and communities continued to help with the delivery of Council goals and were included in the decision making process.

By embedding AVDC values in the new unitary council, the Council started to set out its legacy for the new authority. The AVDC mission was to ensure that in its last year, it delivered its aims and priorities and embedded its values in the new unitary council.

The Revenue Support Grant for 2019/20 had been provisionally set at £3,288,400 for 2019/20. This remained unchanged in the final budget for 2019/20. Although the core grant had been reduced by £56,700, this would be offset by an additional £56,700 from a funding redistribution of surplus business rate levy.

The Cabinet report also included details of the proposed Special Expenses budget. From an initial review of costs and service charge into this area, an increase in the budget of £38,200 was anticipated. This was mainly due to the new maintenance and equipment contract. It was however anticipated that the Band D Council Tax would remain the same in this area.

The Cabinet report had been considered by the Finance and Services Scrutiny Committee, whose Chairman attended the Cabinet meeting to elaborate upon his Committee's deliberations. The principal points raised by the Committee were as follows:-

- The provisions for car parking changes only related to changes in Aylesbury. Committee Members had been supportive, subject to relevant supporting information, of the car parking reserve being utilised in due course to make provisions for car parking changes at Wendover, Winslow and Buckingham.
- The Committee had been supportive of the monies from the Interest Equalisation Reserve and the Business Rates Equalisation Reserve being earmarked and used to offset the transition cost of local government reorganisation.
- Whilst the Committee had been supportive of the proposed additional £1.48m in funding for the Connected Knowledge Programme, Cabinet had been asked in due course, to try to ensure that the individual business cases within the Programme were assessed on the likelihood of the work/benefits that might be able to be carried forward into the new Council before investment decisions were made. This included looking at expenditure that could reasonably be deferred. Cabinet confirmed that the business case for each project was and would continue to be assessed by the Project Management Board having regard to the

likely requirements of the new authority. It was agreed that the Cabinet Member for Finance and Resources should be invited to attend meetings of the Project management board.

- The Committee had been supportive of the £400k set aside for the car parking strategy and 300K for growth.
- The Committee had been supportive of another bidding round of NHB grants being made available to Parishes during 2019-20.
- The Committee had been advised by the Cabinet Member for Communities (Councillor Winn) that he intended to ask Cabinet to re-instate £10,759 in funding for a number of voluntary and community sector organisations including the Citizens' Advice Bureau. He had also stated that he would be exploring whether it would be possible to extend the grant funding arrangements with some of these organisations for 1-2 more years to provide them with some certainty while the new Council was being established. Members were supportive of these proposals. Cabinet agreed with the Cabinet Member for Communities and the funding would be re-instated for a two year period.

#### RESOLVED –

- (1) That the Finance and Services Scrutiny Committee be thanked for its input to the budget planning process.
- (2) That Council be recommended to approve the budget for 2019/20 and the Medium term Financial Plan as set out in summary form in the table at Appendix A of the Cabinet report, as amended to include the removal of reductions in core grant to voluntary bodies (as outlined above).
- (3) That in relation to Council Tax, Council be recommended to approve an increase of £5 (3.35%) in respect of a Band D property for 2019/20, the maximum allowable for lower tier councils.
- (4) That Council be recommended to approve the use of £1.48m of New Homes Bonus to meet the costs of the Connected Knowledge Programme (having regard to the commentary above).
- (5) That Council be recommended to agree the fees and charges set out in Appendix E of the Cabinet report.
- (6) That Council be recommended to agree the level of the Band D expenses charge for 2019/20 as set out in Appendix F of the Cabinet report.

NOTE: As a member of an organisation that provided some financial support to the CAB, Councillor Mordue declared a personal interest insofar as the above item referred to the funding of that organisation.

## **2. CAPITAL PROGRAMME UPDATE 2019/20 TO 2022/23**

Cabinet received the updated Capital Programme for the period 2019/20 to 2022/23 onwards. An interim report had been submitted to Cabinet on 18 December, 2018. As had been reported at that time, the focus of the Capital Programme was on the delivery of existing schemes already approved by the Council. The Programme reflected the Council's strategy of ensuring prudent use and maximisation of available capital

resources. The earlier report had made reference to an additional request for funding from the Aylesbury Vale Enterprise Zone Board in relation to an investment proposal at Westcott. The report now before Cabinet could be viewed in full on the Council's web site.

It was reported that the Capital Programme for 2019/20 had now been updated to include provision for the Westcott investment proposal and the latest report (posted on the Council's web site) contained more detailed information. AVDC was the accountable body for the Aylesbury Vale enterprise Zone. The proposed funding of £1.2m would be recovered through a combination of loan repayment and the recouping of business rates collected and retained from the Enterprise Zone.

The CIPFA revised 2017 Prudential and Treasury management Codes required, for 2019/20, that all local authorities prepare an additional report setting out the Council's capital strategy. To comply with the statutory requirements, an expanded, but still abridged (because of the unitary proposal) would be presented in the Treasury management Strategy. The Cabinet report set out the key principles of the capital strategy.

The creation of a new unitary authority would occur during the period of the capital plan. This removed the need for medium term planning for Aylesbury Vale as a single entity organisation. However, the Council remained obligated to hand over its affairs to the new organisation in the best possible financial state. At this early stage, the financial implications of reorganisation were yet to be fully understood. However, future investment and borrowing decisions might be influenced by the outcome of the unitary arrangements.

The Cabinet report had been considered by the Finance and Services scrutiny Committee on 14 January, 2019. The Chairman of that Committee attended the meeting to elaborate upon the Committee's deliberations. The Scrutiny Committee had been supportive of the use of residual Right to Buy capital receipts and nominal sums from New Homes Bonus for affordable housing, to fund new affordable housing schemes. The Committee had also been supportive of the funding proposal for the Space Catapult Innovation Centre at the Westcott Enterprise Zone.

In addition, the Committee had been supportive of the remaining £341,000 from the sale of the Elmhurst Community Centre being used for the maintenance of community centres in the Aylesbury Special Expenses Area. The Committee had asked for, (and Cabinet confirmed), a breakdown in due course of how the £341,000 had been allocated.

RESOLVED –

- (1) That the Finance and Services Scrutiny Committee be thanked for its feedback on the Capital Programme.
- (2) That the Council be recommended to approve the updated Capital Programme for the period 2019/20 to 2022/23 onwards, as set out in Appendix A of the Cabinet report.

### **3. PUBLIC SECTOR EQUALITY DUTY**

Cabinet considered a report, also submitted to the Finance and Services Scrutiny Committee on 14 January, 2019, and summarised in the Minutes of that meeting, giving an assessment of the Council's performance against the Public Sector Equality Duty and the requirements of Regulation 2 of the Equality Act 2010 (Specific Duties) Regulations.

The Chairman of the Scrutiny Committee attended the Cabinet meeting and elaborated upon his Committee's deliberations. In particular, Committee Members had noted that a number of requests that they had made in 2018 on future reporting had been taken on board in the preparation of the latest report. It had been suggested that in future it would be helpful to include some information on why there were generally more females in the SG4 and SG5 grades. The Committee had been particularly pleased to note that the pay equality position at AVDC was excellent.

RESOLVED –

That the content of the Equality report for 2018 be noted and the document be approved for publication in order to meet the Council's statutory duty.

#### **4. AYLESBURY VALE ESTATES (AVE) BUSINESS PLAN**

Consideration was given to a report on the Aylesbury Vale Estates (AVE) draft business plan for 2019/2022, submitted also to the Economy and Business Development Scrutiny Committee on 10 December, 2018. The Scrutiny Committee had had an opportunity to question the asset managers on various aspects of the plan. (A copy of the draft business plan had been circulated in full as part of the confidential Cabinet agenda). Representatives of the asset managers also attended this meeting.

Whilst the Scrutiny Committee had been encouraged that AVE was effective at collecting rents, and that dividends were expected to be returned to the Council, concern had been expressed about proposed site disposals and the business plan's over reliance on these disposal receipts within the financial model. Members had also felt that disposals might be due to the demand for dividends to be paid, and that once a site had been sold, it was permanently off the portfolio. The Committee had hoped that there would be more ideas on how Hale Leys might adapt to the difficulties currently being experienced in the retail market.

Cabinet Members raised these issues with the asset managers who responded that disposals in the main were not strategic sites. The objective was to create a diversity of new development. The asset managers were fully cognative of the issues facing high streets across the country. and were doing all they could to address these.

RESOLVED –

That the draft Aylesbury Vale Estates business plan for 2019/2022 be approved.

NOTE: As a member of the AVE board, Councillor Mrs Ward declared a prejudicial interest in the above item and left the meeting whilst it was under discussion.

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## BUCKS HOME CHOICE ALLOCATIONS POLICY CHANGES

### 1 Purpose

- 1.1 This report seeks the views of the Cabinet on proposed changes to the Bucks Home Choice Allocations Policy and asks that a decision be taken concerning a recommendation for adoption of the proposed amendments.

### 2 Recommendations/for decision

- |  |
|--|
| <p>2.1 That the Cabinet consider the information obtained through formal consultation and the view of Environment and Living Scrutiny Committee.</p> <p>2.2 Recommends Council to adopt the changes indicated in the report for inclusion in a revised Bucks Home Choice Allocation Policy as part Council's Policy Framework.</p> |
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### 3 Executive summary (if longer than 2 pages)

- 3.1 The Council is a member of the Bucks Home Choice Partnership which comprises four district council's; Aylesbury Vale District Council, Chiltern District Council, South Bucks District Council and Wycombe District Council, who manage the collective housing register and allocation of affordable rented accommodation within their respective district areas.
- 3.2 The Housing Act (HA) 1996, Part VI, applies to allocations of social housing and both to new applicants for social housing and to some existing social housing tenants seeking transfers. When making an 'allocation', local housing authorities must comply with both the provisions of HA 1996, Part VI, and with their own local allocation scheme.
- 3.3 The Partnership's common Allocations Policy is being reviewed in response to changes made by recent case law following the Localism Act 2011, the Homeless Reduction Act 2017 and also as a response to the demand for social housing and intelligent use of the available stock.
- 3.4 Proposed changes to the Allocations Policy have no effect on existing Local Lettings Policy. In particular, the local policy which ring fences up to 75% of new lets and 50% of any subsequent lets, for applicants with a connection to the respective sub groups in Aylesbury Vale, has proven to be working effectively.
- 3.5 Environment & Living Scrutiny Committee considered the approved changes on 29 October 2018. The Committee sought clarification on several matters including;
- That 16/17 year olds (especially those leaving care) would not be disadvantaged by proposed changes.
  - That those wishing to downsize would receive appropriate priority and support.
  - That existing Local Lettings Policies would be unaffected by proposed changes.
- 3.6 Overall, the Committee were satisfied with the proposed changes and endorsed a public consultation.
- 3.7 As a Local Authority, the Council has a statutory duty to consult applicants likely to be affected by proposed changes and Registered Providers, who

have housing stock in their area. The results of the consultation are available in Appendix 1.

- 3.8 These changes have a material effect on who does and who does not qualify for Bucks Home Choice. The proposed changes will also affect the relative priority band awarded to certain types of applicant and introduce a new priority band E in order to manage the changes effectively. In doing so the Council seeks to achieve the following policy objectives;
- To respond to recent case law and government guidance, so that the Allocations Policy is lawful.
  - To better utilise the Allocations Policy as a homeless prevention tool.
  - To continue to make the best use of housing stock by allocating the largest properties to the larger families, who need it most.

#### **4 Supporting information**

- 4.1 The Council has a common allocation policy with other members of the Bucks Home Choice Partnership who are Chiltern District Council, South Bucks District Council and Wycombe District Council. We are proposing a number of amendments to the policy to provide greater clarification as to how we currently allocate housing. We are also reacting to changes in legislation and recent case law and both national and local pressures.
- 4.2 The Localism Act made changes to the Housing Act 1996 offering a greater freedom to local authorities to make changes to manage their housing waiting lists, by considering the needs within their local area. In effect this allowed allocation schemes the flexibility to set classes of qualifying persons, such as local connection criteria. Statutory guidance(s) followed to accompany these changes suggesting that;
- Local authorities set a qualifying local connection period of at least two years.
  - Assistance to members of the Armed Forces to obtain social housing if they need it.
  - Ensure those social tenants who need to move for employment are not disqualified by any local connection rules.
  - To make the best use of housing stock by letting properties to those that need a particular size and type of property to avoid over/under occupying.
- 4.3 Following the Localism Act, there remained a conflict with the Housing Act 1996, which sets out that priority must be given to households falling into '*reasonable preference*' categories (such as those who live in overcrowded or insanitary conditions), and the Localism Act, which allowed authorities to set qualification criteria locally, that would prevent '*reasonable preference*' applicants from qualifying. Recent case law has resolved the position, setting out that those '*reasonable preference*' applicants must **not** be disqualified by an allocation scheme but can, however, be awarded a lower priority.
- 4.4 Since 2012, a range of welfare reforms have had a cumulative impact on the numbers of applicants seeking social housing and requiring homelessness assistance. This has placed increased pressure on the supply of and cost of temporary accommodation in Aylesbury Vale.

- 4.5 More recently, the Homeless Reduction Act 2017 substantially amended Homelessness legislation, increasing the time and extent of our statutory duties to prevent and relieve homelessness.
- 4.6 There is now a greater expectation that local authorities frame their allocation policies to house those living in unsuitable housing circumstances, in order to prevent them from becoming homeless. This is an approach increasingly taken by other local authorities and supported by the Department for Housing Communities and Local Government.
- 4.7 The Bucks Home Choice Partnership has considered new legislation, case law and guidance, alongside the likely impact of Government reforms, and the increased demand and reduced supply of social housing (particularly larger properties). As such the two year residence or employment qualification remain, but changes and exceptions are required, a summary of which are detailed below:

## **5 Proposed amendments to the scheme**

- 5.1 Paragraphs 5.2, 5.3 and 5.4 are those changes which are necessary to comply with legislative changes and recent case law

### **Applicants who will now qualify for Bucks Home Choice:**

- 5.2 Applicants in the statutory '*Reasonable Preference categories*' (even if they do not have a local connection or would normally be non qualifying as required by the Housing Act 1996). It is important to mention that applicants with a local connection are prioritised above those without (a local connection) when allocating properties.
- 5.3 Applicants owed prevention or relief duties within the Council's statutory homeless duties (Part VII of the Housing Act 1996) are to be included to reflect the changes made by The Homelessness Reduction Act 2017.
- 5.4 Applicants meeting the criteria set out in the Right To Move Regulations 2015.
- 5.5 Applicants who have left the local authority area for a period of up to 4 months, where they are staying with family to search for alternative accommodation in the area.
- 5.6 Applicants placed into supported accommodation out of the area will retain a local connection with the area they were living in prior to placement.
- 5.7 Prisoners who have been released from prison will retain a local connection with the area they were living in prior going to prison.

### **Those applicants who will no longer qualify Bucks Home Choice:**

- 5.8 Applicants aged 16 or 17 (unless there is an adult who can hold the tenancy as a trustee until they are 18).
- 5.9 Applicants who have formerly owned a property within the last five years and have disposed of capital without making reasonable housing arrangements. Evidence as to the circumstances will be required.
- 5.10 Applicants who have previously purchased a Right to Buy or Right to Acquire property (unless they are owed a main homelessness duty).
- 5.11 Applicants subjected to an Anti-Social Behaviour Order and or have broken the terms of their tenancy and or where a notice to quit has been issued.
- 5.12 Applicants aged over 55 who own suitable and affordable accommodation, or who have assets or savings sufficient to enable them to source

accommodation in the private sector. Decisions on these cases will be taken on a case by case basis, as opposed to income or savings thresholds being set. Guidance will be provided to caseworkers to ensure a degree of consistency in decision making and all decisions will carry a statutory right of review by a Senior Officer.

### **Other Policy Changes**

- 5.13 Where a change of circumstances results in the award of a higher priority band the priority date of the banding will be amended to the date of notification of the change. This ensures that applicants waiting longer in the same circumstances are given priority in shortlisting. On the reverse, where a change of circumstances results in the award of a lower band, the date will remain the same.
- 5.14 Initially the partnership proposed to include an amendment to increase the bedroom sharing age of same sex siblings from 16 to 21. Following consultation with members of the public and housing providers it has become clear that a significant number disagreed with the age of 21. We therefore propose that same sex siblings share a room to the age of 18, in accordance with the age when adolescents are generally no longer considered minors and granted full rights and responsibilities of an adult. Those adults over 18 will be encouraged to apply for housing in their own right, where possible.
- 5.15 To place applicants who owe rent arrears to a landlord to be placed in a new Band E until such times as they have cleared the arrears, this means that applicants owing rent arrears are not likely to be nominated for a tenancy where it is also highly likely that the nomination will be unsuccessful. There remains the scope to consider exceptional circumstances where, for example a property was unaffordable.
- 5.16 Inclusion of three further examples where an applicant could be deemed to have worsened their circumstances, including refusal of an offer of suitable and affordable private rented accommodation for a statutory homeless applicant or where an applicant colludes with a landlord or family member to obtain a notice to quit.
- 5.17 To amend verification procedures to ensure that where an applicant cannot be contacted within the next working day following a home visit the applicant may not be nominated for the property. This is to ensure we meet our legal time frames set out in nominations agreements.

### **Changes to Priority Banding:**

- 5.18 Reduced priority banding of applicants who have applied for homeless assistance to one of the four district Councils belonging to the Bucks Home Choice Partnership under Part VII, but have been assessed as intentionally homeless. This is to ensure that these applicants are not prioritised above those assessed as unintentionally homeless.
- 5.19 Reduced priority of Band D to Band E for those whom have applied for assistance to one of the four district Councils belonging to the Bucks Home Choice Partnership under Part VII but have been assessed as not in priority need (this means there is no long-term housing duty). This would mean that these applicants are not placed above those whom the Council have accepted a full homelessness duty towards.
- 5.20 Increased priority for those assessed as under occupying social rented accommodation from Band B to A. This gives the highest priority to those

applicants who occupy larger family homes to ensure the best use of housing stock and to meet a high priority objective.

- 5.21 Increased priority for applicants that are living in severely overcrowded rented, either social housing or private sector, accommodation and assessed as lacking two bedrooms or more, Band B to A. This change is with a view to reducing homelessness as re-housing times are reduced in recognition of unsuitable housing circumstances.
- 5.22 Increased priority of applicants living in accommodation assessed as insanitary and or evidenced as being in a state of significant disrepair, which cannot be repaired or rectified, from Band B/C to all being awarded Band B This change supports reducing homelessness as re-housing time is reduced in recognition of unsuitable housing circumstances
- 5.23 Reduced priority Band C to Band D for applicants who are eligible, homeless, in priority need and not intentionally homeless and have a local connection to the area (full duty). This is an important change to align the Homelessness Reduction Act's emphasis on preventing homelessness.
- 5.24 Addition of applicants owed the new *Prevention or Relief* duty to place into Band E, to ensure they are given reasonable preference in accordance with our statutory duties.
- 5.25 Reduced priority for Right to Move applicants (under the Right To Move Regulations 2015) who need to move to their place of work where they do not hold a local connection from Band D to Band E. Note: these applicants must be permitted to join the housing register to avoid hardship but Local Authorities must be satisfied that the tenant needs, rather than wishes, to move for work reasons.

## **6 BHC Consultation process**

- 6.1 A simple consultation was developed by the BHC Partnership, using an online survey tool which was publicised on AVDC's website, Bucks Home Choice website, emailed to stakeholders and parishes and, posted onto social media and subject to a joint press release. This ensured approach ensured that existing applicants, local residents, registered housing providers and stakeholders were notified and invited to respond. A key summary of changes document to support the consultation was provided and a paper copies of the consultation was made available to view in our offices for those with no internet access.
- 6.2 308 responses were received. A full analysis of responses can be found in Appendix 1. The results broadly support the proposed changes previously presented to the Members of the Environment and Living Scrutiny Committee, with the exception of the sharing age of same sex siblings (Question 8). In this instance the responses have been considered and the Draft Policy proposal has been amended to reflect a revised age of 18.

## **7 Options to consider**

- 7.1 To do nothing. This option will prevent the Bucks Home Choice Partnership bringing forward Countywide changes and would render the current policy unlawful in some areas.
- 7.2 To proceed with some of the proposed changes, including the changes required to make the policy lawful. Whilst this would ensure the Policy is legally compliant it would result in reduced ability to manage housing stock

and prevent homelessness thus failing to reduce the cost on Councils' temporary accommodation. This could compromise the ongoing viability of the Bucks Home Choice Partnership as a whole.

#### **Recommendation and reasons for recommendation**

- 7.3 Full Policy Changes support is the recommended option as it will ensure that we are operating lawfully and are aligned with the Homelessness Reduction Act in its objective to prevent homelessness and ensures that we make the very best use of social housing stock across the district. In doing so we are also preserving the existing County wide Allocations Policy and Partnership as we move toward a single Unitary Council in 2020.

#### **8 Resource implications**

- 8.1 A number of existing enhancements are required to incorporate the changes to the existing software, the cost of which will be borne by all District Councils. The cost of these changes are to be confirmed with the supplier but are expected to be met from the existing modest software improvement and other budgets.
- 8.2 As existing applicants would be reassessed, rather than reapply, this will be automated with notifications in writing, along with the usual recourse to a formal review. There will likely be a temporary uplift in officer time for associated reviews and front end training and enquiries. This will be met across Districts and by using existing resources with implementation expected in May/June 2019.
- 8.3 There is highly likely to be a positive impact upon temporary accommodation budgets as we offer increased priority to increase the chance of rehousing some applicants prior to becoming homeless.

Contact Officer: Mrs J Oliver, Principal Housing Officer, 01296 585109.  
Background Homelessness, Law & practice, Jan Luba QC, Liz Davies and  
Documents: Connor Johnston 2016. Homelessness and Allocations, Andrew Arden QC, Justin Bates and Toby Vanhegan.

## Appendix 1. Bucks Home Choice Draft Allocations Policy Consultation Responses Summary

Following consultation by the Bucks Home Choice Partnership on the Bucks Home Choice Allocations Policy, which closed on 7 January 2019, this document gives detail as to the responses received, consideration and recommendations by the Partnership to the representations made.

Questions 1 and 2 concerned the profile of those responding to the consultation.

### Overall consultation responses received:

**308** responses were received, of which:

**47%** were current registered applicants

**40%** members of the public not currently registered

**6%** of responses from either Registered Providers of social housing

**6%** were Councillors, Parishes, Community Groups and Support Providers.



Of these responses the following number of respondents indicated that they lived and or worked in one of the following district areas:

**195** - Aylesbury Vale

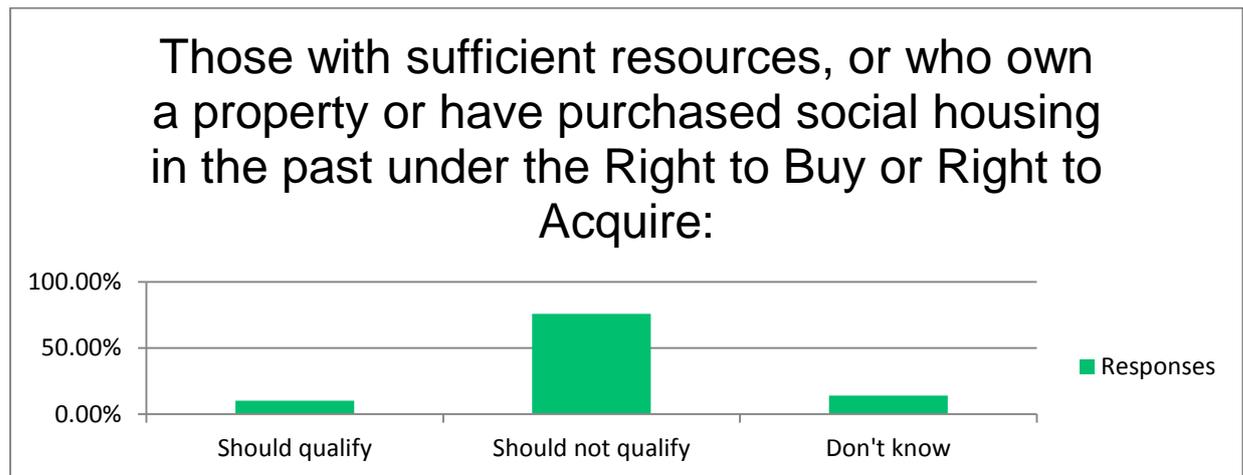
**26** - Chiltern District

**30** - South Bucks

**77** - High Wycombe

**18** - either not living or working within these areas or choosing not to say.

### Question 3:



75% of consultees agreed that these groups of applicants should **not** qualify to join the housing register. Some comments received from those that disagreed or did not know, included concerns about the financial position of the applicants and a requirement for flexibility, so that circumstances could be considered on a case by case basis. Other comments were about condition of the property in question and the financial ability to undertake repairs, or changes in circumstances (financial or health) which could affect and applicants ability to address their own housing circumstances.

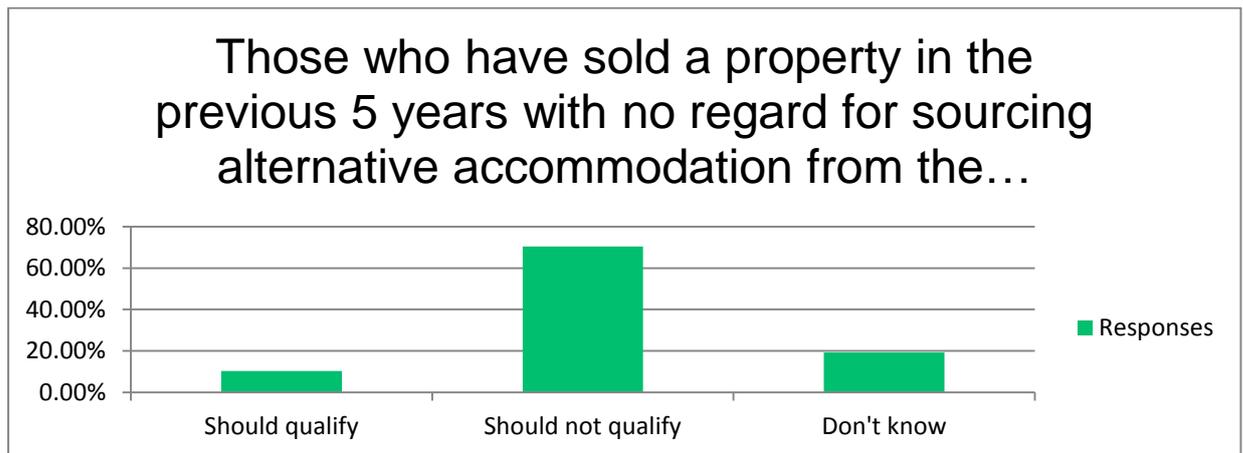
### Recommendation:

We have considered the comments that have been made and can confirm that the Bucks Home Choice Draft Allocations Policy makes provision for applications to be considered on a case by case basis and with regard to each personal set of circumstances. Bucks Home Choice Draft Allocation Policy 2.3 states that:

*“The Bucks Home Choice Partnership reserves the right in exceptional circumstances to register a household with the scheme even if the household falls into one of the non-qualifying classes set down above. Any decision to register a non-qualifying household will be subject to authorisation by the Senior Housing Officer of the partner Council receiving the application and will be based on the individual circumstances of the household concerned. In event of a decision being made to register a non-qualifying household, the partner concerned will record full details of the reason for the decision”.*

Because of the above exceptional circumstances provision; the recommendation is that this change to the Policy be agreed.

**Question 4:**

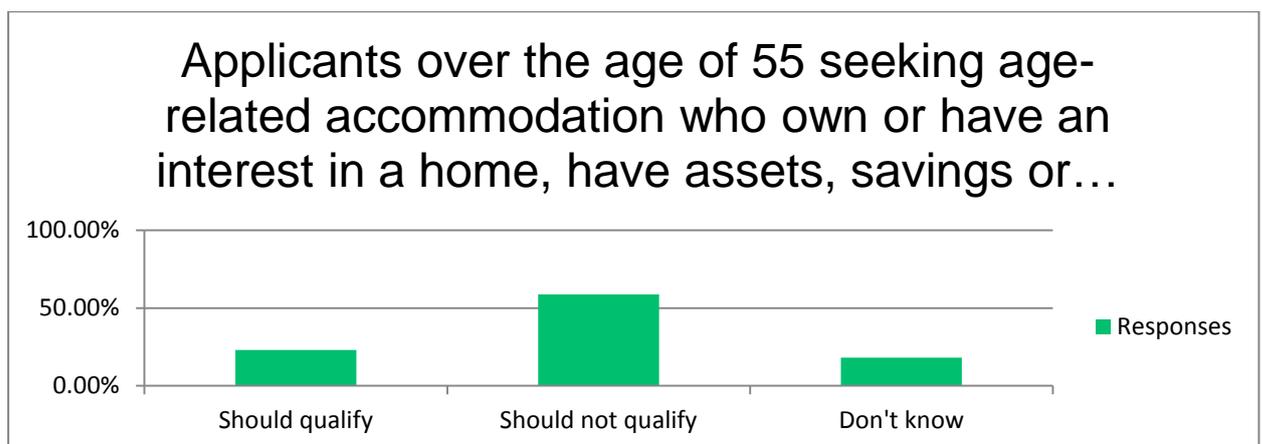


This proposal was broadly supported with 70% of responses agreeing that these applicants should not qualify. For those who disagreed, there were concerns related to the ability to consider individual circumstances, or where there had been a subsequent change in circumstances, which could result in applicants not being in a position to resolve their own housing circumstances. These could be due to limited equity, health and disrepair or similar.

**Recommendation:**

We have considered the comments that have been made and can confirm that the Bucks Home Choice Draft Allocations Policy makes provision for applications to be considered on a case by case basis and with regard to each personal set of circumstances as detailed above in Question 3. Because of the above exceptional circumstances provision; the recommendation is that this change to the Policy be agreed.

**Question 5:**



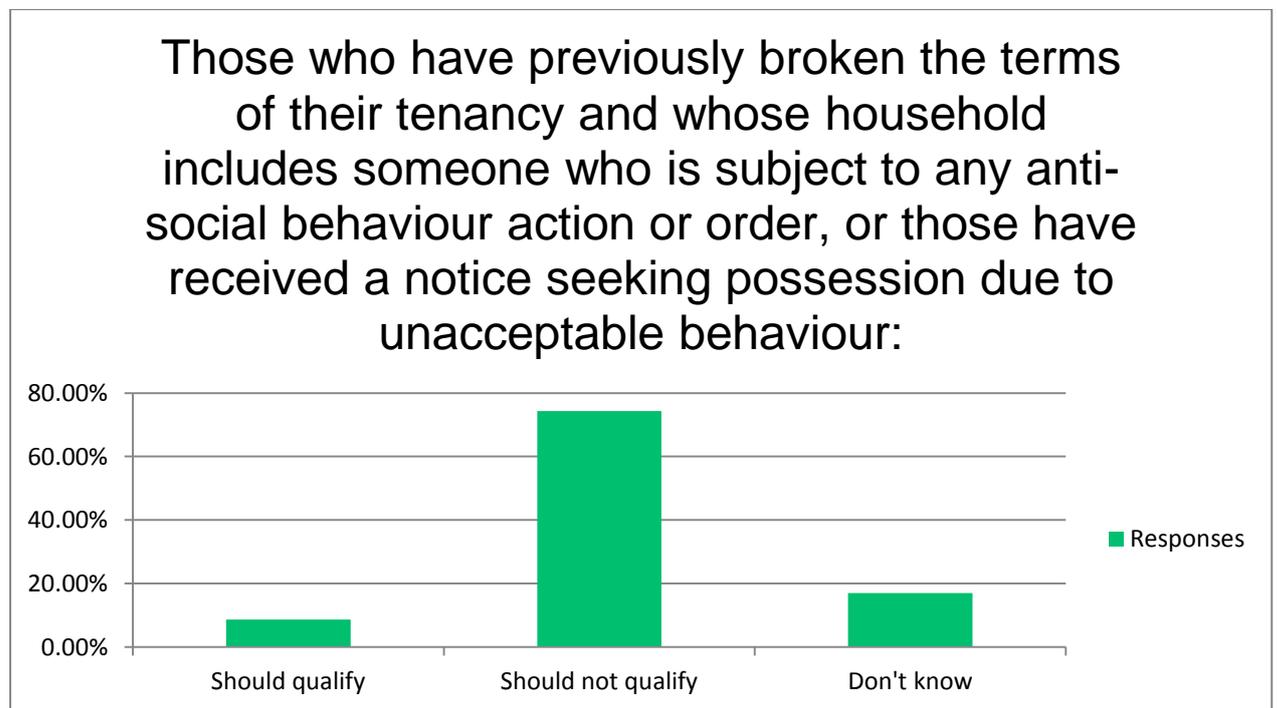
Whilst this proposal was broadly supported with 58% of responses agreeing that these applicants should **not** qualify, many consultees were concerned about provision to consider individual circumstances, linked to an applicant

not being in a position to resolve their own housing circumstances. These could be due to financial difficulties, limited equity, disrepair or health related issues.

**Recommendation:**

We have considered the comments that have been made and can confirm that the Bucks Home Choice Draft Allocations Policy makes provision for applications to be considered on a case by case basis and with regard to each personal set of circumstances as detailed above in Question 3. Because of the above exceptional circumstances provision; the recommendation is that this change to the Policy be agreed.

**Question 6:**



This proposal was supported by 74% of responses who agree that these applicants should not qualify. For those who did not support this proposal, there were again concerns related to the ability to consider individual circumstances. These included the impact of this change upon dependant children, the length of time that any anti social behaviour would continue to be a qualification issue, alongside any mental health issues and also the broader social consequences of excluding some recently released prisoners from qualifying.

**Recommendation:**

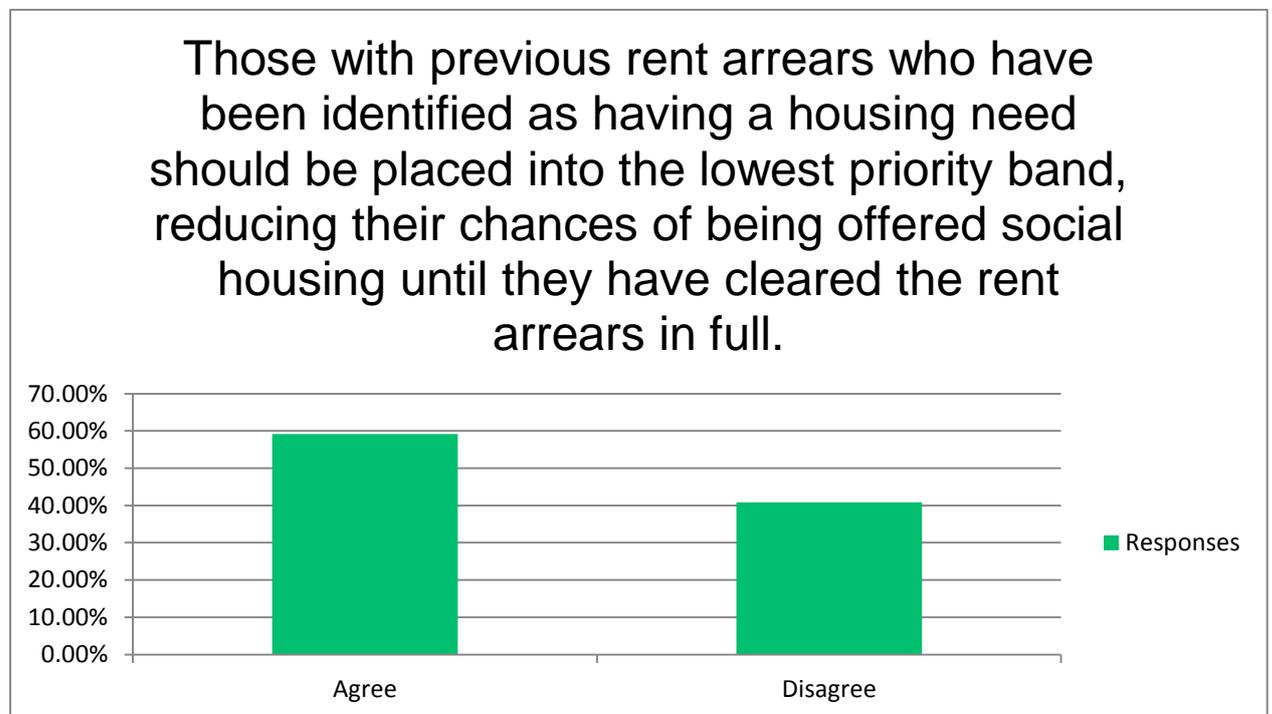
We have considered the comments that have been made and can confirm that the Bucks Home Choice Draft Allocations Policy does makes provision for applications to be considered on a case by case basis and with regard to

each personal set of circumstances. Bucks Home Choice Draft Allocation Policy 2.3.2 states that:

*“Any decision made in respect of the applicant’s behaviour making an applicant unsuitable to be considered a tenant, will consider the timing, pattern and seriousness of the behaviour and an applicant’s engagement with appropriate services”.*

The Policy specifically considers poor behaviour within the previous 5 years but also has flexibility to consider any positive changes in behaviour that applicants makes, including sustained engagement with appropriate services. Individual circumstances such as, for example domestic violence, would be considered in any decision about qualification. Therefore the recommendation is that this change to the Policy be agreed.

**Question 7:**



This proposal was supported by 59% of those responding, who agree that these applicants should be placed in a lower priority band. Those who disagreed, had concerns relating to the consideration of individual circumstances and especially those affected by welfare reforms, changes in financial circumstances which caused affordability issues and arrears.

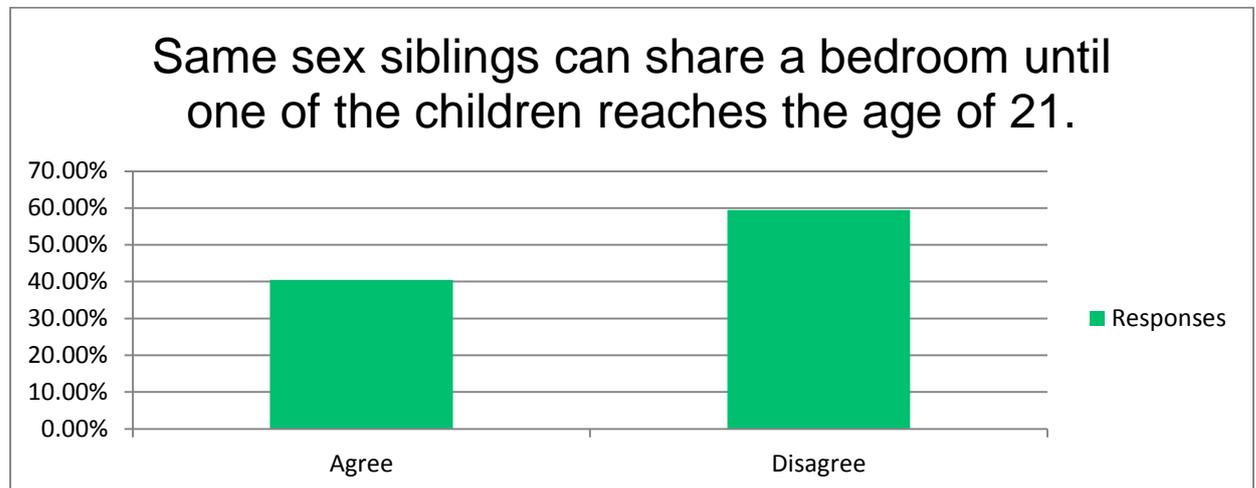
**Recommendation:**

Bucks Home Choice Policy, 2.3.5 states:

*“Where the rent arrears have arisen due to exceptional circumstances beyond the applicant’s control the Council may depart from this policy and the decision will be referred to a Senior Officer”.*

As provision has been made to consider individual circumstances, (which includes cases where the individuals has been affected by welfare reform) the recommendation is that this change to the Policy be agreed.

**Question 8:**



Of the consultation responses received, 59.5 % of consultees disagree with this change, feeling that older children require privacy prior to the age of 21. The current Bucks Home Choice Policy allows for an additional bedroom where children of the same gender are sharing a bedroom when one of the children reaches 16. The revised draft Allocations Policy proposed a sharing age of 21 to enable the best use of stock and to assist some of the larger families who are difficult to place due to the sheer number of older children in the family unit. This change was being considered so as to consider overall bed spaces within the property in a more effective way and designed to achieve maximum occupancy.

We have also considered the fact that none of the District Councils own their own housing stock and that we are reliant on Registered Providers accepting the nominations that we make to them. We understand that there are a number of providers that have their own respective allocation policies that would be contrary to this amendment to the Bucks Home Choice Allocations Policy.

As a result, and with consideration being given to the draft Policy making provision for how properties should be advertised, it is considered reasonable by the partnership to revise the age to 18 for same sex siblings. This coupled with intelligent advertising would still result in a more flexible and intelligent use of stock so that larger families are not prioritised below smaller families with, perhaps older children, for example.

The draft Bucks Home Choice Allocations Policy 5.2 states that

*“Each property advert will have information on the location, size and type of Property and any criteria that applicants must satisfy in order to be eligible for*

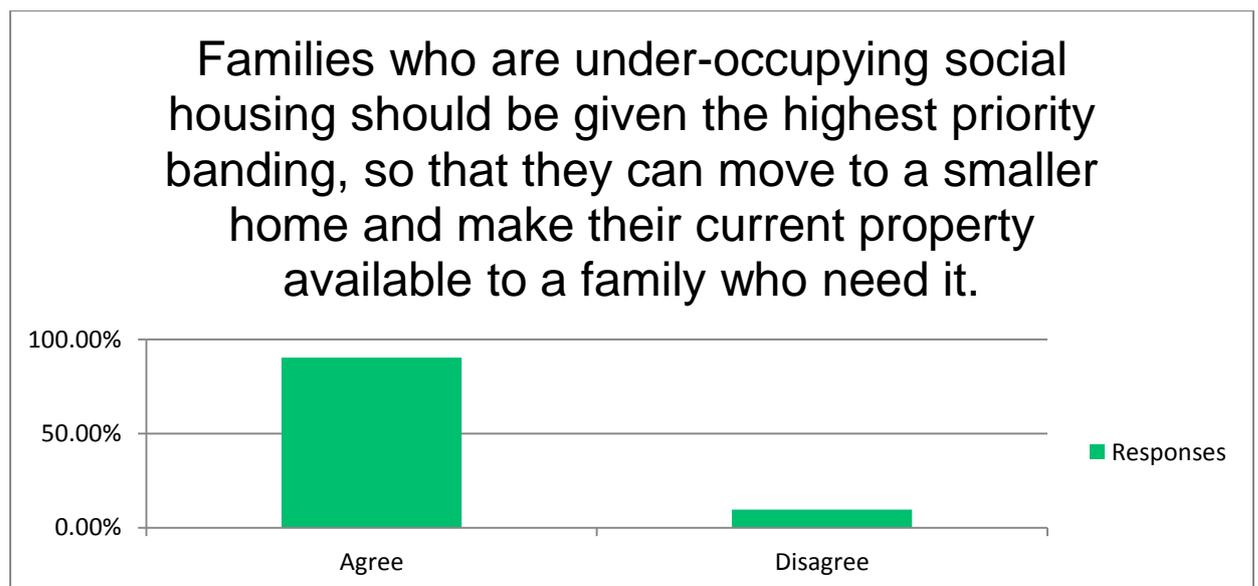
*shortlisting. Some properties may have letting restrictions for example no pets or age restrictions. Priority for family sized accommodation of two bedrooms or more with access to a garden may be given to households with children under the age of 16, unless medical evidence of the need for a property with a garden exists.*

*Properties that have two reception rooms may be considered as having an additional bedroom to assist, where necessary, with housing larger families where larger accommodation is not available. Any restrictions will be explained in the advert and applicants who do not meet the criteria will not be nominated for the property”.*

**Recommendation:**

As a result of the responses received, information considered including the measures within the Draft Policy with regards to advertising and letting of properties, the Partnership propose that we therefore increase the age of sharing siblings to 18 rather than 21.

**Question 9:**

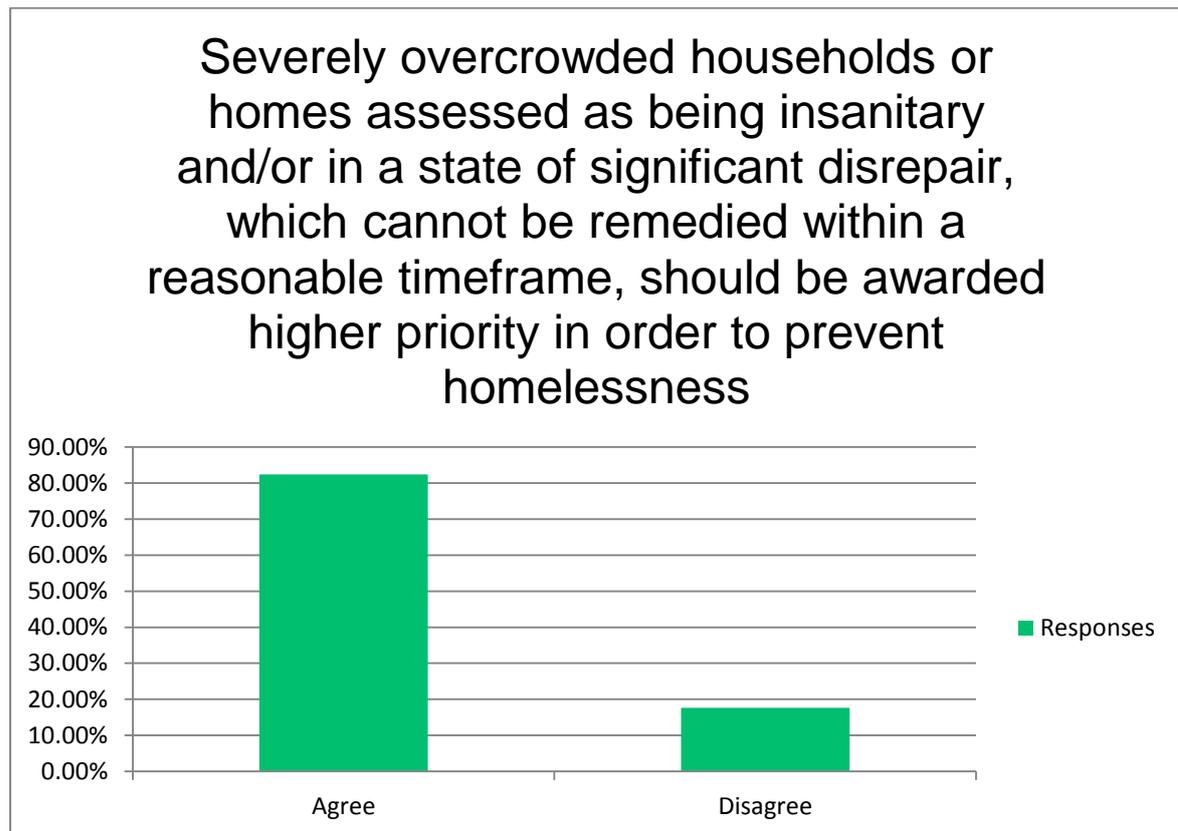


This element of the Policy is supported by 90% of responses who agree that these applicants should be prioritised in a higher priority band, including several large registered providers. Those that disagreed were concerned that people would be forced to move or that this proposal should be coupled with other downsizing incentives.

**Recommendation:**

The recommendation is that this change to the Policy be agreed.

**Question 10:**



This element of the Policy was supported by 82% of those who responded, who agreed that these applicants should be prioritised in a higher priority band, including several large registered providers. Those who disagreed were concerned that applicants who do not look after their property and or deliberately overcrowd their accommodation are not awarded additional preference for this.

**Recommendation:**

The Partnership makes a full assessment of applications, both at application and allocation stage (which including investigating the circumstances of each application, for example, including consideration as to whether an applicant may have deliberately worsened their circumstances). As such the recommendation is that this change to the Policy be agreed.

**Question 11: Other comments about the Summary of Changes document included**

**Comment:** Buckingham Town Council we would like to be assured that the current sub-allocation policy for Bucks Home Choice will continue into the new unitary authority, as there is huge social value in keeping families and communities together.

**Response:** Whilst noting this response, the partnership would not (at this stage) be in a position to confirm existing Local Lettings Policies would be

retained by the new Council after April 2020. However we can confirm that this Draft Policy makes no changes to existing Local Lettings Policies (including those allocation sub groups within Aylesbury Vale).

**Comment:** Ensuring that homeless families do not bed block temporary accommodation and are fully considered in the new Draft Policy.

**Response:** The changes should realise a positive impact in that larger families would be affected by the change to sharing of same sex siblings, especially where a families 'overall bedroom need' would reduce and allow for an allocation of a smaller properties, which are in greater supply. Secondly when considering full homelessness duties we are confident that the Councils' temporary accommodation is managed, and that each authority retain the right to make a suitable and affordable direct offer of accommodation where appropriate to do so.

**Comment:** A number of responses were received in relation to supported housing and move on provision into general needs accommodation.

**Response:** The District Councils support move on from various supported housing providers and care leavers, in the form of 'move on protocols' and will continue to work with providers of supported housing where a review is considered necessary.

**Comment:** A comment was received with regards to the advertising of the consultation itself and that it was not widely advertised.

**Response:** The consultation was advertised via joint press release across the County, to stakeholders and parishes and also via each Council's own website, as well as the Bucks Home Choice website itself.

**Comment:** A comment was received indicating that if Parish and Town Councils could be involved in the allocation of housing within their respective areas then support for building more social homes may be forthcoming.

**Response:** The statutory duty for administering allocations rests with the local housing authority. A local authority allocation scheme must be able to ensure overall that those in reasonable preference enjoy a majority of allocations. To achieve a balance between this duty and a desire to ensure that there is a degree of connection between applicants and the community they are based in, AVDC implemented Local Lettings Policy with Allocation sub groups in 2014. This Local Lettings policy is retained and continues to provide up to 75% of new lets and 25% of re lets to those with a sub group connection.

**Comment:** Reference has been made to the Unitary Authority and review of boundaries and local area connection.

**Response:** This is not able to be considered at this time and will emerge and changes develop.

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# Bucks Home Choice

## Allocation Policy



Home Choice

DRAFT

Draft (Version 4.1)

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## 1. Introduction

### 1.1 Introducing Bucks Home Choice

Section 166(A) of the Housing Act 1996 requires that every local housing authority in England must have an allocation scheme for determining priorities (and the procedure to be followed) in allocating housing accommodation.

Bucks Home Choice is the scheme that is used to allocate affordable housing in four local housing authority areas – Aylesbury Vale, Chiltern, South Bucks and Wycombe.

As the demand for affordable housing exceeds availability, Bucks Home Choice prioritises applicants so properties that become available are offered fairly and transparently. This document describes the policy in detail including who qualifies to apply for housing and how we give priority to different applicants based on their housing need.

Bucks Home Choice operates on the following basis:-

- Applicants register with the scheme
- Applicants are prioritised for re-housing based on their circumstances
- Available properties will be advertised
- Applicants can bid on properties they qualify to move to
- Bids on a property will be shortlisted in priority order
- The property will be offered in accordance with 6.1 of the policy.

### 1.2 Members of the Bucks Home Choice Partnership

The following District Councils are members of and Managing Partners of the Bucks Home Choice partnership:-

- Aylesbury Vale District Council
- Chiltern District Council
- South Bucks District Council
- Wycombe District Council

The four District Councils have chosen to jointly operate Bucks Home Choice and a common Allocation Scheme in order to:-

- Deliver value for money by operating a shared scheme and IT system
- Allow good practice and knowledge to be shared across the four districts
- Provide the opportunity for properties to be advertised across the Partnership allowing applicants to move from one district to another

The scheme applies to all properties in the Bucks Home Choice districts that are owned and/or managed by a Registered Provider and the Councils have the right to nominate to.

The term “Senior Housing Officer” and “Senior Officer” has been used in this policy for ease of reference only. The exact titles of the officers within each organisation vary and may be subject to change from time to time. Each organisation within the Partnership will have designated officers responsible for the operation of the Bucks Home Choice Scheme and Allocation Policy and details of these officers are available from each organisation on request.

The term “Managing Partner” means the relevant District Council who is dealing with the applicant and application.

### **1.3 Aims of the Bucks Home Choice Partnership**

**The aims of the Partnership are:**

- a) To meet the District Councils’ statutory requirements and ensure that priority for housing is given to those with the highest level of housing need.
- b) To give applicants as much choice as possible having regard to the statutory requirements and the availability of housing stock.
- c) To provide a common framework for allocations of affordable housing within the Partnership.
- d) To facilitate a degree of mobility within the Partnership.
- e) To help and encourage sustainable communities.
- f) To make the best possible use of all available housing stock.
- g) To allocate housing resources in a way that is as fair as possible.
- h) To make the process of allocating tenancies as open and transparent as possible.

**The Partnership is also committed to:**

- i) Preventing households from becoming homeless.
- j) Providing applicants with sufficient information to enable them to make the right choices about where they wish to live.
- k) Providing applicants with information on a variety of housing options to enable them to make informed decisions about their housing application.
- l) Ensuring that vulnerable people are able to make the most of Bucks Home Choice to meet their housing needs.
- m) Acting sensitively and treating all personal information as confidential.
- n) Ensuring customers are advised of their right to a review of decisions.

### **1.4 Equality Statement**

This policy has been drafted in compliance with the requirements of the Equality Act 2010 and it has been subject to an Equalities Impact

Assessment. Applicants will be asked to complete an equalities monitoring questionnaire. This information will be treated in the strictest confidence

### **1.5 Legal Background**

This policy has been drafted to give due regard to the requirement to give Reasonable Preference to those categories of person set out in section 166A (3) of the Housing Act 1996.

In framing the Bucks Home Choice Allocations Policy, we have had regard to:

- The Allocation of Accommodation: Guidance for Local Housing Authorities in England (DCLG – June 2012)
- The Localism Act 2011
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012/2989 and the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012/1869
- Providing Social Housing For Local People: Statutory Guidance on Social Housing Allocations for Local Authorities in England” (DCLG – December 2013)
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015/967)
- The Bucks Tenancy Strategy and each of the District Councils’ Housing and Homelessness Strategies (see Appendix 5 for details).
- The Homeless Reduction Act 2017

The Policy may be subject to minor amendments from time to time (e.g. when there are changes to relevant legislation) When minor amendments are necessary, these will be authorised by the Partnership’s Senior Housing Officers or relevant Heads of Service and subject to the agreement of all four Managing Partners

### **1.6 Policy Contents**

This policy sets down:

- How applicants can apply to the Bucks Home Choice scheme
- Who is a qualifying person to join Bucks Home Choice
- Who is eligible to join Bucks Home Choice
- How an applicants’ priority is assessed.
- How members of the Partnership will determine priorities in allocating housing accommodation.
- How properties are advertised and let.
- How applicants can ask for a review of a decision.
- How the policy will be monitored and reviewed.
- How the Partnership will comply with the Data Protection Act.

This policy does not cover offers of licences, non-secure, or assured shorthold tenancies granted to homeless households in pursuance of any member of

the Partnership's homelessness duties under Part 7 of the 1996 Act. This policy does not cover offers of tenancies excluded from an allocation scheme by virtue of S.159 (4A) and s.160 of the 1996 Act.

This policy is available, on our website [www.buckshomechoice.gov.uk](http://www.buckshomechoice.gov.uk) or applicants can request for a copy of the policy to be sent to them.

## **2. Eligibility and Qualification**

### **2.1 Registering on Bucks Home Choice**

In order to register for Bucks Home Choice, an applicant must:-

- Be aged 16 years or over (upon allocation of a property an applicant aged 16 or 17 years of age will be required to have an adult who can hold a tenancy as a trustee until they are 18.)
- Be eligible for an allocation of housing under Part 6 of the Housing Act 1996, and
- Qualify for the Bucks Home Choice scheme.
- Where two persons apply jointly for housing, at least one of the applicants must be eligible. A joint tenancy cannot be granted when one of the applicants is not eligible. The application will be made in the name of the applicant who is eligible and a sole tenancy will be granted.
- Must be residing in the United Kingdom

### **2.2 Eligibility for an allocation of housing**

Under Section 160ZA of the Housing Act 1996, an applicant will not be eligible for an allocation of housing if he or she is:

- A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (unless he is of a class prescribed by regulations made by the Secretary of State).
- A person who falls within a class of persons from abroad who have been prescribed by the Secretary of State as being ineligible to be allocated housing accommodation by a local housing authority.
- A person who falls into any other class of person prescribed by the Secretary of State as not qualifying to be allocated housing accommodation by a local housing authority.

An applicant who is not eligible for an allocation of housing under Section 160ZA of the Housing Act 1996 cannot register with Bucks Home Choice regardless of the applicant's personal circumstances.

## **2.3 Persons who do not qualify to join the Bucks Home Choice scheme**

Under Section 160ZA (7) a local housing authority may decide what classes of persons are, or are not, qualifying persons for an allocation of housing accommodation.

### **2.3A Persons deemed not to qualify for Bucks Home Choice**

The following classes of person are deemed not to qualify for the Bucks Home Choice scheme:

- A person whose circumstances do not meet the criteria of any of the Priority Bands set down in Appendix 1 (see 2.3.1)
- A person who is an applicant or a member of the applicant's household and is considered guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant and at the time of the application for housing and they are still considered unsuitable to be a tenant by reason of that behaviour (see 2.3.2).

### **2.3B Persons deemed not to qualify for Bucks Home Choice unless they are deemed to have a Reasonable Preference**

The following classes of person are deemed not to qualify for the Bucks Home Choice scheme unless they are deemed to have a Reasonable Preference in accordance with Section 166A of the Housing Act 1996 (see Appendix 3)

- A person who does not meet the local connection criteria (see Section 2.3.3)
- A person who is an owner occupier of a property (See 2.3.4)
- A person with current or former tenancy rent arrears owed to a Registered Provider or private landlord unless the Council is satisfied that action is being taken to resolve the arrears (See 2.3.5)
- A person whose income, assets or savings are sufficient to enable the person to source accommodation in the private sector.
- A person who formerly owned a property within the last five years and who failed to use the capital receipt from the property disposal to secure adequate alternative housing arrangements (see 2.3.4).
- A person who has previously purchased a property under the statutory Right to Buy or Right to Acquire schemes (see 2.3.4)
- A person who has been re-housed in a social housing tenancy and who wishes to apply to be re-housed again (unless there has been a change of circumstances since the person was re-housed in which event the application will be assessed as a new application under the Bucks Home Choice policy)
- A person who has any outstanding related housing debt with the Managing Partner's housing department. A housing related debt could be former tenant arrears whilst in temporary accommodation, former tenant arrears whilst holding a previous tenancy or outstanding

repayments on loans provided by the local authority to help the applicant to secure accommodation.

- A person whose household is considered to be adequately housed as detailed in 'size and type of property for which applicants are eligible' (5.5) but who is not using the bed spaces within their property to its optimum capacity. This includes taking account of an additional reception room or dining room that could be reasonably used as a bedroom.

The Bucks Home Choice Partnership reserves the right in exceptional circumstances to register a household with the scheme even if the household falls into one of the non-qualifying classes set down above. Any decision to register a non-qualifying household will be subject to authorisation by the Senior Housing Officer of the partner Council receiving the application and will be based on the individual circumstances of the household concerned. In event of a decision being made to register a non-qualifying household, the partner concerned will record full details of the reason for the decision.

Further information on some of the classes of person deemed to be non-qualifying for Bucks Home Choice is given below in the remainder of Section 2.3

### **2.3.1 Non-Priority**

Those persons who do not fall into any of the priority bandings set out in Appendix 1 are considered to be adequately housed and therefore not qualifying persons.

### **2.3.2 Unsuitable for Tenancy - Unacceptable Behaviour**

Unacceptable behaviour is behaviour that renders the applicant unsuitable to be offered a tenancy.

If an applicant or any member of the applicant's household is considered to be guilty of unacceptable behaviour or considered to be causing or involved in activities that may be considered unacceptable behaviour, that is serious enough to make them unsuitable to be a tenant at the time of the application for housing, then they will be considered unsuitable to be a tenant by reason of that behaviour.

Any decision made in respect of the applicant's behavior making an applicant unsuitable to be considered a tenant, will consider the timing, pattern and seriousness of the behavior and an applicant's engagement with appropriate services.

#### **Examples of Unacceptable Behaviour could be and are not limited to:**

- a) Having been evicted for anti-social behaviour or rent arrears on a previous tenancy, either with a Registered Provider or Private Landlord in the last 5 years.

- b) Conviction for illegal or immoral purpose.
- c) Causing nuisance and annoyance to neighbours or visitors.
- d) Committing certain criminal offences in or near the home and still posing a threat to neighbours or the community
- e) Being violent towards a partner or members of the family.
- f) Being verbally or physically abusive towards a member of one of the partnership's staff
- g) Allowing the condition of the property to deteriorate.
- h) Allowing any furniture provided by the landlord to deteriorate due to ill treatment.
- i) Obtaining a tenancy by deception, for example, by giving false or misleading information.
- j) Paying money to illegally obtain a tenancy.
- k) Having lost accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.
- l) Subject to an Anti-Social Behaviour Order
- m) Breaking the terms of a tenancy agreement and a notice to quit has been issued.

If an applicant is accepted onto the Housing Register and is subsequently found to be guilty of unacceptable behavior (including one or more of (a) to (m) above) then the Managing Partner of the Partnership will review the application and may remove the applicant from the Housing Register.

### **2.3.3 Local Connection**

An applicant must have a local connection to at least one of the following District Councils in order to qualify for Bucks Home Choice;

- Aylesbury Vale
- Chiltern
- South Bucks
- Wycombe

An applicant is deemed to have a local connection with a district if the applicant:

- Is living and has lived in a district continuously for at least 2 years immediately preceding the date of the application. If an applicant has lived out of the district for a single period of up to 4 calendar months whilst registered they will retain a local connection. If an applicant has lived outside of the district for a single period exceeding 4 calendar months (or for multiple periods) and the applicant does not meet the Reasonable Preference categories set down in Appendix 3, their housing register application will be cancelled.
- If an applicant is working and has been in continuous employment in a district for at least 2 years immediately preceding the date of the application and has worked for a minimum of 24 hours per week

throughout that period. Employment is described as having a permanent contract, or working under contract as temporary member of staff. Location of work is determined by an applicant's main place of work. If an employee's head office is in the area but the location of work is outside the actual area when it is carried out, this cannot be considered as being the main place of work.

- If an applicant has changed employer within the district, or their hours have reduced, to below 24 hours per week, for no more than 4 calendar months, they will retain a local connection. Any applicant who no longer retains a local connection and does not meet the reasonable categories set down in Appendix 3 will have their housing register application cancelled.
- A person who has found accommodation in a supported housing unit within the Bucks Home Choice Partnership will retain a local connection with the area they were living in before moving into supported accommodation.

**Exceptions – Applicants who are deemed to qualify even if they do not meet the above Local Connection criteria**

If an applicant does not meet criteria above, then the applicant will not be a qualifying person for Bucks Home Choice. The only exceptions to this are applicants who:

- a) Are aged 55 or more and seeking accommodation designated solely for person aged 55 or more and the household's income, assets or savings are not sufficient for the household to source accommodation in the private sector.
- b) Are subject to the main housing duty under Section 193 of Part 7 (Homelessness) of the Housing Act 1996 by Aylesbury Vale, Chiltern, South Bucks or Wycombe District Councils (in this event the applicant will qualify solely to go onto the Housing Register administered by the District Council that has accepted the duty)
- c) Are serving in the armed forces or who have served in the armed forces within the five year period immediately preceding the application
- d) Have recently left ministry of defence accommodation because of the death of a spouse, who served in the regular forces
- e) Are serving or have previously served in the reserve forces and are suffering from a serious injury as a result of this service
- f) Persons who were required to live outside of the district for reasons out of their control (i.e. placed in care,) and who had a local connection to the district immediately prior to moving away.
- g) Prisoners who have been released from prison and had a local connection to the district immediately prior to going to prison.
- h) Persons who meet the criteria as set out in the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015/.

- i) Persons who do not meet the local connection criteria but meet the criteria for one or more of the Reasonable Preference categories set out in Appendix 3

If an applicant meets any of the criteria listed in (a) to (i) above they will be deemed to qualify for Bucks Home Choice regardless of whether or not the applicant has a local connection to a district.

For the purposes of determining a local connection the following living arrangements will not be taken into account:

- Occupation of a mobile home, caravan, motor caravan, or houseboat which is not placed on a residential site; or
- Occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday letting.
- Applicants placed in an institution, prison, hospital or in one of the districts who otherwise have no local connection.

#### **2.3.4 Current and Former Owner Occupiers.**

A person is considered to be a current owner-occupier for the purpose of this policy if they are the owner or joint owner of any residential property regardless of location. They will not be a qualifying person unless;

- The person falls into one of the statutory Reasonable Preference categories (see Appendix 3) or
- It is not possible for the person to remain in their current address (e.g. because adaptations are required and cannot be undertaken) and the person does not have sufficient financial resources available to secure other accommodation without the Council's assistance.

In considering the issues raised in this section, the District Council managing the application will take specialist advice as required (e.g. from an Occupational Therapist).

If an applicant has a legal, financial or beneficiary interest in a property, the full circumstances will be investigated. If the applicant is able to realise his/her interest in the property and it would be sufficient to secure alternative accommodation without the Council's assistance, the applicant will be considered to be an owner occupier.

If the applicant is not a current owner occupier and has formerly owned a property within the last five years, the applicant will be asked to provide evidence of the sale and details of any capital receipt arising from the sale. If the applicant subsequently disposed of any capital receipt without making adequate housing arrangements then the applicant will be deemed not to qualify for Bucks Home Choice (unless the applicant falls into one of the statutory Reasonable Preference categories (see Appendix 3))

An applicant has previously purchased a property under the statutory Right to Buy or Right to Acquire schemes will be deemed not to qualify for Bucks Home Choice (unless the applicant falls into one of the statutory Reasonable Preference categories (see Appendix 3))

### **2.3.5 Rent Arrears**

- a) An applicant who has been evicted from a previous tenancy on the grounds of rent arrears within the five year period preceding the date of application (or who voluntarily surrendered a tenancy in advance of a warrant for possession being executed on rent arrears grounds) will not be a qualifying person for Bucks Home Choice unless the arrears have been cleared in full or the applicant falls into one of the statutory Reasonable Preference categories (see Appendix 3).
- b) Where an applicant or a member of his household owes rent arrears to a current or former landlord, at the time of the application or at any period during the application they will be placed in a Band E until such times as they provided evidence that the arrears have been cleared. Once confirmation has been received the application will be reassessed in line with the Bucks Home Choice Allocation Policy.

Where the rent arrears have arisen due to exceptional circumstances beyond the applicant's control the Council may depart from this policy and the decision will be referred to a Senior Officer.

Registered Provider tenants transferring who have accrued rent arrears solely through a shortfall in housing benefit due to under-occupying their property may apply to the housing register. Each case will be looked at on an individual basis by a Senior Officer; the tenant must be able to demonstrate that they are trying to resolve the situation at an early stage by seeking a smaller property and making an attempt to cover any shortfall.

The provisions in (a) will not apply if the District Council has accepted a main housing duty under Section 193 of Part 7 (Homelessness) of the Housing Act 1996. The Council will contact the current or former landlord of the applicant or any member of his or her household to confirm the facts.

### **2.3.6 Right to a Review of a Decision of a Non Qualifying Person**

If the Managing Partner has made a decision that an applicant is not a qualifying person and cannot join Bucks Home Choice, the applicant will have the right to request a review of this decision within 21 days of being notified of the decision. The review will be undertaken by a Senior Housing Officer who was not involved in the original decision. The review decision will be made within a 56 day period.

## **3. Applying and registering for Bucks Home Choice**

### 3.1 Applying to Bucks Home Choice

An applicant for Bucks Home Choice must apply to go on to one of the four District Housing Registers. The applicant must have a local connection to the District concerned in order to qualify for the District Housing Register (e.g. an applicant for the Aylesbury Vale District Housing Register must have a local connection with Aylesbury Vale). The full definition of what constitutes a Local Connection is in Paragraph 2.3.3.

Where an applicant has a local connection to more than one District, the application will be managed and maintained by the district where the applicant has a residential local connection (i.e. where the applicant has lived for at least 2 years).

An applicant who does not have a local connection but is still a qualifying person can apply to go on to the Housing Register of any of the four Districts.

#### 3.1.2. Applications from staff, elected council members or their family members

A person who is a member of staff of the Managing Partner, their close family and elected members in the Managing Partner may apply for housing in the same way as other applicants. A close family member is a parent, sibling or adult child. Their status should be disclosed on the application form at the time of applying. Any applicant making a successful bid for a property and subsequent letting must be approved by the appropriate Senior Housing Officer of the Managing Partner.

### 3.2 Registration form and supporting information

To apply to go on the Housing Register, applicants are required to complete an on-line application process at [www.buckshomechoice.gov.uk](http://www.buckshomechoice.gov.uk). Assistance from staff will be made available to applicants needing to make an on-line application. There are two stages to an application;

**Stage 1** – This is a pre-assessment process which takes details from the applicant and determines what housing options are available to them. This will include the option of making a Bucks Home Choice application if the information provided indicates that the applicant is eligible and will qualify for scheme.

**Stage 2** – If the Stage 1 pre-assessment indicates that the applicant is eligible and qualifies for Bucks Home Choice, the applicant will then have the option of making a formal application to the Bucks Home Choice scheme.

After assessment, if the applicant is accepted onto the register they will receive written confirmation of the following information:

- Their unique reference number, which allows them to express interest via Bucks Home Choice.
- The Priority Band in which the application has been placed.
- The date that the application was registered.
- The size of the property for which the applicant is likely to be able to bid for.

Applicants must also provide the information and evidence that is required to enable the Partnership to check and assess their eligibility and housing need. If an applicant fails to provide the requested information within 28 calendar days their application will be cancelled.

The Partnership will make any enquiries necessary in order to determine an applicant's eligibility to join the Housing Register and their level of priority for housing. When completing an on-line application and declaration, applicants are authorising the Partnership to make reasonable and relevant enquiries as are required to complete the assessment. When signing the application, applicants are also authorising the Partnership to disclose information to other parts of the Council and other agencies in order to verify the application.

If the applicant does not give authority to make reasonable and relevant enquiries and to disclose information to other parts of the Council or other agencies, then this may affect the assessment and final outcome of the application.

Applications will normally be assessed, once all the required information has been provided, within 10 working days.

If an applicant is ineligible or does not qualify to join the Housing Register they will be informed of the reasons for this decision and advised of the review process.

### **3.3 Persons to be included in an application**

An application for the Bucks Home Choice scheme will comprise of the lead applicant and any members of the applicant's household who require re-housing with the applicant. For the purposes of Bucks Home Choice, the applicant's household will normally comprise the applicant together with his/her partner (if applicable) and any dependent children (if applicable) who might reasonably be expected to reside with the applicant.

In assessing an application, the Managing Partner will assess who reasonably requires re-housing with the applicant. This will include consideration of the circumstances below.

Any non-dependent adult over the age of 21 and not in full time education may not be considered as part of the household and are able to make an application in their own name.

Household members who have always been living as one household will only be considered as part of the household if they are unable to live independently which will require an assessment from Adult Social Care and or medical professionals to support the request at the time of application.

For the purpose of assessing an application, dependent children are expected to share rooms with other children in the same extended family regardless of whether they are siblings.

### **3.3.1 Carers**

If an applicant wishes to include a carer in the application, then in all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing the applicant with care and the carer must need to live with the applicant to provide this care.

Even if a carer is in receipt of Carer's Allowance this does not mean that it is necessary for them to reside with the person who is being cared for. Many carers provide over 35 hours a week support whilst living in their own home. An application to include a carer in a housing application will be considered if the applicant has been assessed by Social Care as needing to receive overnight support and the persons Care Package that they would supply supports overnight care. In these circumstances a copy of the Care Package will be required.

### **3.3.2 Separated Parents and Dependent Children**

If an applicant is a separated parent and wishes to include his/her child in the application, the Managing Partner will assess whether or not the child resides with the applicant. This assessment will consider all circumstances including:

- Residence Order for the child
- Which parent is the recipient of Child Benefit and Tax Credits
- The existing residence arrangements for the child (i.e. where does the child currently stay with each parent?)
- Any other relevant information

In the case of children, the test of normal residence as a member of the family will require residence as opposed to 'staying' or 'staying access' even in cases of joint custody or joint residence or similar orders. The Council in applying the residence test will consider whether there is a sufficient degree of permanence or regularity to constitute normal residence as a member of the family. Account may be taken of whether the child is dependent upon the applicant. The Council may also take account of the supply and demand for accommodation, the general housing circumstances within the district and any under-occupation that may result where a child spends part of a week with one parent and part of a week with another.

### **3.3.3 Split families**

Where the family unit is not currently residing together and they have previously lived together as a family unit and there is a reasonable expectation that they should reside together the family will be considered as a split family. Assessment of priority band will consider the accommodation currently available by the different parts of the family and will be based on the accommodation that better suits the family's needs at the time of the application.

### **3.3.4 Support Needs**

Where an applicant has been assessed as having support needs they will not be offered accommodation until they can demonstrate that they have engaged with the appropriate services and have a continuing support plan for tenancy sustainment. This is to ensure that an applicant with support needs will be able to manage a tenancy and reduce the risk of repeat homelessness. The partner that is managing the application will consult partner agencies as required and in accordance with the Data Protection Act and GDPR 2016.

### **3.4 Right to Move**

In order to meet the criteria to qualify to join Bucks Home Choice under Right to Move the applicant must:

- be a social housing tenant
- have Reasonable Preference because of a need to move to the Local Authority's district to avoid hardship
- need to move because the tenant works or has been offered work in the district of the authority
- and has a genuine intention to take up the offer of work.

The Managing Partner must be satisfied that the tenant needs, rather than wishes, to move for work reasons. As well as other factors the Managing Partner will take into consideration the nature of work and whether similar opportunities are available closer to home.

### **3.5 False or withheld information**

Under section 171 of the Housing Act 1996 it is an offence for an applicant to knowingly or recklessly give false or misleading information or knowingly withhold information relevant to their application. Under the Act, the Local Authority has the power to take action against an applicant which could result in a fine of up to £5000.

An offence is also committed if the applicant allows a third party to provide false information on his or her behalf, or at his or her instigation.

If an applicant, or a person acting on his or her behalf, has given false information or withheld information it could:

- Affect an applicant's eligibility to join the Housing Register;

- If appropriate, result in the applicant not being given preference at all.
- If appropriate, be taken into account in prioritising applicants who have Reasonable Preference

Where there is an allegation or suspicion that a person has given false information, or has withheld information, the application will be suspended pending the outcome of an investigation. If it has been established that an applicant has provided false information the person will be deemed not to be a qualifying person.

### **3.6 Giving applicants advice and information**

The Partnership will provide advice and information to help applicants to make the most of Bucks Home Choice to meet their housing needs. This will include:

- How to apply to join the Housing Register and what supporting information applicants will be required to provide.
- Help to fill in the housing registration form (by prior appointment).
- The meaning of the priority bands and how this affects the time individual applicants are likely to have to wait.
- Advice on how to bid on a property, and how to obtain help to bid.
- Advice on other options for housing such as private renting or shared ownership.

Where an applicant is assessed as being a non-qualifying person, the applicant will be given advice and information on the other housing options open to them.

### **3.7 Renewal of applications and changes of circumstances**

Applicants must renew their applications once a year and they will receive a reminder and information on how to do this on the anniversary of the date of their application.

Applicants must also notify the member of the Partnership with which they are registered of any changes in their circumstances, such as a relationship breakdown, an older child leaving home or a baby being born.

### **3.8 Suspending or Cancelling an Application**

#### **An application will be suspended if:**

- An applicant has been asked for information to support an application and a reply is awaited.
- An applicant has changed address and not provided a change of circumstances form.
- An applicant has been asked to provide information from their support agency or worker to support their application and a reply is awaited.

If suspended, an applicant will not be able to bid for properties.

**An application will be cancelled if:**

- The applicant has asked for it to be cancelled.
- The applicant has been rehoused via Bucks Home Choice.
- The applicant has exchanged a property with another tenant and is now deemed to be adequately housed.
- The applicant has moved and not told us of their new address.
- A Partner has written or emailed the applicant about the application and there has been no response within 28 days.
- An applicant has not provided within 28 days all the information that has been requested and is reasonably required to support the application.
- A Partner has evidence that the applicant no longer qualifies for housing.
- The applicant has not responded to an offer of housing within the timescales required.
- The applicant has given false or misleading information.
- The applicant's circumstances have changed and the applicant no longer has a housing need or local connection under this policy.

In the event of an application being cancelled the partnership reserves the right to re-instate an application at its discretion.

#### **4. Assessment and Prioritisation of Applicants**

The Partnership will assess the relative priority of applicants in two stages:

**Stage One – Banding** (See 4.1)

This assessment takes place when an applicant applies to join the Housing Register and his or her eligibility and priority are assessed.

The assessment of an application will take into account any accommodation that the applicant is currently entitled to occupy and any medical and welfare needs. When assessing for lacking bedrooms a second living room that is suitable to be used as sleeping accommodation will be treated as a bedroom,

An applicant is entitled to occupy accommodation:

- As an owner, lessee, leaseholder or tenant or by virtue of a court order.
- Express or implied license to occupy i.e. as a lodger or living with relative.
- Any other enactment or rule of law giving a person the right to remain in occupation or restricting the right of another person from recovering possession.

**Worsening of housing circumstances.**

An applicant must not do (or fail to do) something for the purpose of worsening their housing circumstances. When such a situation arises, the Managing Partner will carefully assess the change of circumstances and

consider the facts of the case. The assessment of an application in these circumstances will take into account the applicants circumstances prior to the act.

For an applicant to have worsened their circumstances there must be evidence that it would have been reasonable for the applicant to have remained in their previous accommodation.

Examples of an applicant undertaking an act for the purpose of worsening housing circumstances are set out below;

- Abandoning a previous suitable tenancy.
- Moving without good reason to accommodation which is more overcrowded or is considered more unsatisfactory or insanitary than their previous accommodation.
- Selling a property or giving notice on a tenancy without having alternative accommodation available to them.
- Allowing a property to become overcrowded by inviting additional households to move in.
- Moving out of a property when housing advice has been provided for the applicant to remain in their existing accommodation.
- Moving out of an adapted property into an unsuitable or un-adapted property.
- Moving out of a property due to financial reasons when the property has been assessed as being affordable by the partnership.
- Having sufficient funds available to purchase or to rent suitable accommodation in the private sector and choosing not to do so.
- Refusing an offer of private rented accommodation in order to get a banding on BHC.
- A statutory homeless household refusing a suitable final offer
- Collusion with landlord or family member to obtain notice to quit.

If an applicant is assessed as having worsened their housing circumstances, and they qualify to join the scheme, they will be placed into band E for a period of 12 months. An applicant can then request that their application be re-assessed after this period. All relevant facts and information available will be considered in the re-assessment process.

### **Stage Two – Shortlisting (See 6.1)**

This assessment takes place when an applicant has bid on a property.

If more than one applicant bids on a property, they will be placed on a shortlist. The policy states how the relative priority of applicants on a shortlist will be determined.

#### 4.1 Priority Bands

Applicants will be placed in a Priority Band, taking into account the information they have provided with their housing application. The criteria for the Bands are given in Appendix 1.

When a change of circumstances results in a change of banding to a higher band the priority date of the banding will be amended to the date of acceptance onto the new band. Should a change in circumstances result in the band being lowered the date of application will remain.

#### 4.2 Assessment of Medical Needs

Members of the Partnership have appointed a qualified Medical Advisor whose advice may be sought when assessing whether to place an applicant in a higher priority band on medical grounds.

Applicants with serious medical problems may complete a self-assessment form. A Housing Officer will consider the information provided and make an assessment as to whether any medical priority should be awarded. In some cases the Managing Partner will seek the medical advisor's opinion before reaching a decision. They will consider the medical advisors opinion along with all other relevant information in order to determine whether a priority band should be given and also any recommendation for the type of housing required (e.g. ground floor or adapted accommodation).

If applicants have been assessed as having a medical need they will be advised of the type of property that would be considered as suitable. Bids placed by the applicant on properties not meeting the criteria recommended will not be considered for the property.

When making a decision whether to award a priority on medical grounds, the Housing Officer will look at:-

- How the current accommodation is causing or affecting the medical condition.
- How social housing would improve it.
- The severity of the effect that housing is having on the medical condition.
- The duration of the condition and any expected recovery time.
- The severity in comparison to the housing needs of other applicants.
- Whether other options are viable that could improve the situation.

Following the assessment a decision will be made whether to award a priority banding. The bandings are below:-

- **Band B "Severe"** – The current housing is having a severe impact on the applicant's (or family members) health and their health will deteriorate if the applicant is not moved to a suitable property.

- **Band C “Adverse”** – The current housing is having an adverse impact on applicant’s (or family member’s) health. Their health will not deteriorate in current accommodation, but the adverse impact will be reduced if the applicant moves to more suitable accommodation.

An applicant has a right to request a review of a decision not to award medical priority. Following the outcome of that review, the Managing Partner will not undertake any further assessment for 12 months unless there is a significant change in circumstances.

Applicants who have been awarded a medical priority to take into account difficulty with stairs and the need for ground floor accommodation will not usually be considered for a property with either internal or external stairs unless there are appropriate adaptations in place.

Medical bandings will not be awarded to those households in temporary accommodation provided by the District Council in pursuance of their homelessness duty. Any request for a review of suitability of temporary accommodation will be dealt with outside of the Bucks Home Choice Allocation Policy and via the current homelessness legislation.

#### **4.3 Assessment of welfare needs**

Some applicants may need to move on welfare grounds that are not related to a medical condition.

It is not possible to state all the circumstances that will justify Reasonable Preference on welfare grounds, and each case will be assessed individually. A panel of officers of the Managing Partner will assess each application, and will record their decisions to ensure equality and consistency is maintained.

The panel will comprise of at least two senior officers of the Managing Partner who will consider the following factors to ensure consistency when assessing welfare cases:

- Is the applicant’s current housing situation having an adverse effect on their welfare?
- If so, can the adverse effect on the applicant’s welfare be resolved without the need to move?
- If the adverse effect cannot be resolved in the applicant’s current housing situation, can it be resolved by re-housing elsewhere? (Consideration will be given by the panel to ensure that, where there is a risk to the applicant’s safety and well-being, any move will reduce that risk. This may require a move away from the applicant’s current district).
- Will the applicant suffer hardship if they do not move to a particular location in the local authority district? (Where an applicant is applying to move to live near a relative to give/receive support, the panel will consider if there is evidence to support the application. These may include confirmation from support services, evidence of carers

Allowance and any other information that the Partnership feels is relevant to the application).

In the event that the panel accepts that:

- An applicant needs to move on welfare grounds, but
- The Bucks Home Choice scheme cannot deliver a suitable move (e.g. because the applicant needs to move out of the partnership area).

The Managing Partner will liaise with the applicant and relevant agencies to identify a suitable course of action to address the welfare needs.

#### **4.4 Reviewing of Welfare and Medical Priority Banding**

The Managing Partner reserves the right to review the applicant's priority banding on an appropriate periodic basis. Applicants are expected to be actively looking for and bidding on available properties on Bucks Home Choice. In certain circumstances the Partnership may make a direct allocation of an appropriate property. Any reviews will take into account bids that have been made by an applicant, offers made and refused, along with the particular circumstances of the case.

If an applicant has been placed in Priority Band A (Welfare) or B or C (Medical grounds) and has failed to bid for any properties or accept a direct offer of accommodation, the Partnership reserves the right to review the Priority Band.

In conducting the review the Managing Partner will take into consideration the following:

- Have there been any properties advertised that would have met the applicant's needs?
- If so did the applicant apply for them?
- Why were the bids unsuccessful?
- Did the applicant receive appropriate support in accessing the bidding cycle?
- Are the applicant's circumstances the same?

On completion of the review a decision will be made whether the priority banding continues to apply. This may result in the application being removed where, without this priority banding, they would not otherwise qualify to join the housing register.

## **5. How properties will be advertised and let**

### **5.1 How properties will be advertised**

Properties will be advertised weekly in a variety of formats and locations.

- On the Bucks Home Choice website
- In the offices of members of the Partnership
- Personalised property lists may be posted to applicants who are housebound or cannot use any of the other methods

The Partnership may choose to vary the timing of the cycle for advertising properties. Any such variation will be subject to the agreement of all partners.

## **5.2 Advertising criteria**

Each property advert will have information on the location, size and type of Property and any criteria that applicants must satisfy in order to be eligible for shortlisting.

Some properties may have letting restrictions for example no pets or age restrictions

Priority for family sized accommodation of two bedrooms or more with access to a garden will be given to households with all children under the age of 16 unless medical evidence of the need for a property with a garden exists.

Properties that have two reception rooms may be considered as having an additional bedroom to assist where necessary with housing larger families where larger accommodation is not available.

Any restrictions will be explained in the advert and applicants who do not meet the criteria will not be nominated for the property.

## **5.3 Properties advertised within the District Council areas**

An applicant will only be able to bid for a property that is:

- Advertised via a Partner where the applicant has a local connection with the Partners' district or,

Advertised across the Partnership and is available to all Bucks Home Choice applicants who require the size and type of property concerned (regardless of which District(s) the applicant has a local connection with).

## **5.4 Properties advertised across the Partnership**

One of the aims of Bucks Home Choice is to enable some applicants to move within the Partnership. In order to achieve this, properties that do not have a high local demand will be advertised as being available for any applicants who are registered with Bucks Home Choice, regardless of the District(s) with which they have a local connection.

The Partnership will monitor how many properties are advertised, and how many are let in this way. It will also monitor how many properties are let to applicants who do not have a local connection. This monitoring will enable

the Partnership to assess whether applicants are finding some flexibility in where they can choose to live, whilst ensuring that the District Councils continue to be able to meet their Statutory Duties.

Where a property has been advertised for three advertising cycles and the property has received no appropriate bids the Partnership reserve the right to consider allocation of the property to people outside of the Bucks Home Choice scheme.

### **5.5 Size and type of property for which applicants are eligible**

In order to make the best use of the available housing stock, it is essential to let properties to those who need that size and type of property to:

- Avoid creating overcrowding or under-occupation when letting a property
- House families with children under the age of 16 into properties with gardens.
- Minimise the risk of the applicant being unable to afford rent payments on the property that is being let
- Prioritise large families with four or more children for properties with two reception rooms

When deciding the size and type of property that an applicant is entitled to bid for, the Bedroom Standard will normally be used as 1 bedroom for each of the following:

- a) Adult or adult couple
- b) Two children of the same sex aged under 18
- c) Two children of different sexes when the eldest is aged under 10
- d) Any other child

More information is available in Appendix 2.

In exceptional circumstances the Senior Housing Officer may exercise discretion in deviating from the Bedroom Standard. In all cases applicants will need to demonstrate the property is affordable at the time of offer. Examples are:

- Where applicants require larger accommodation on health grounds, the Senior Housing Officer will consider this on a case by case basis, taking into account the advice of a qualified medical advisor appointed by the Partnership.
- Where there is little or no demand for a particular property.
- Where the applicant has been approved as a foster carer by Buckinghamshire County Council, and so will need a larger property than normally required by the household.
- Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household. (See section 3.3)

## **5.6 How applicants bid on a property**

Applicants may bid on up to three properties for which they are entitled in any one advertising cycle, this can be done;

- On the Bucks Home Choice website
- In person at one of the Partnership's Customer Service Centre
- Telephone bidding by contacting relevant partner

Applicants who find it difficult to bid may ask an advocate or support worker to do so on their behalf. Help will also be available via the Partners and special arrangements will be made for vulnerable applicants who are unable to bid without help.

It is not possible for an applicant to view a property before making a bid.

## **6. Prioritising and Lettings**

### **6.1 Determining priority between shortlisted applicants**

Where more than one applicant bids on a property, they will be placed on a shortlist. Any applicant who bids on a property where they do not satisfy the advertised criteria will not be included on the shortlist. The reasons for this could include, but not be exclusive to, the following:

- a) The applicant's household size does not meet the Bedroom Standard.
- b) The applicant does not satisfy the age limit or mobility level as advertised.
- c) Has failed to meet any other advertising criteria.

The details of how applicants are awarded a Priority Band are given in Appendix 1.

For each property the applicants' bids will be ranked in the following order:-

- a) Local Connection
- b) Priority Band (Band A applicants will have a higher priority than Band B, and so on)
- c) Date of priority Banding
- d) Date of Registration

If the applicant with the highest priority on a shortlist refuses the offer, the property will then be offered to the next applicant on the shortlist. Age limited restrictions will be clearly indicated in the advert, if the applicant does not meet the specified restrictions, any bid placed on such a property will not be considered.

It should also be noted that:-

- a) If an applicant bids for a property and has rent arrears, then the bid will not be accepted and the application will be placed into a band E until the arrears have been cleared (see section 2.3.4). Once the arrears are cleared the application will be re-assessed and a banding awarded. The banding date will take effect from the date of the re-banding.
- b) Some advertised properties may be subject to a Local Lettings Policy (see section 6.2)
- c) The prioritisation of short-listed applicants will be based on the priority banding of each applicant as it stood at the point when the advert cycle closed.
- d) The prioritisation and allocation process will take account of any additional criteria set down by the landlord for the occupation of the property. Where a property has specific adaptations (e.g. wheelchair access, ramps, level access shower), priority will be given to applicants who require the adaptation in the property.

The District Councils do not own any housing stock and will make nominations to the Registered Provider who is advertising the vacancy. On some occasions nominations may be refused by the Registered Provider as they will have their own Allocations Policy which may differ from Bucks Home Choice.

In most cases the Registered Providers will undertake a financial assessment of your finances to ensure that you can afford the property before making you an offer of affordable accommodation.

## **6.2 Local Lettings Policies**

Section 166A(6) of the 1996 Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the Reasonable Preference categories.

Local Lettings Policies may be used to achieve a wide variety of housing management and other housing policy objectives. So for example, Local Lettings Policies may be used to lower the proportion of older children/young adults on an estate to reduce the incidences of anti-social behaviour; or to deal with concentrations of deprivation by setting aside a proportion of vacancies for applicants who are in employment.

Local Lettings Schemes (LLS) will be designated by Registered Provider's following detailed consultation with the relevant District Council and an assessment on the impact of a LLS. Once agreed these schemes will have their own allocation criteria. LLS will be put in place for a specific area or estate and will be set up in response to particular local circumstances. The aim of LLS is to work towards more balance within local communities to result in outcomes that reflect the wider community and address issues such as child density and the proportion of households in employment in one area or estate.

Working towards more balanced communities may mean a housing mix of:

- Different household types/client groups
- Households of different ages and/or with children of different ages
- People who are in paid employment and those who are not in paid employment
- Families which have one child and those that have two children.

The precise approach to be adopted will reflect the particular problems/issues of an area, estate or development of new build properties.

From time to time a member of the Partnership may adopt a Local Lettings Policy that will apply to a proportion of the properties that it advertises. All such local lettings policies will be published on the Bucks Home Choice website and will be available by request. The Local Lettings Policy will state clearly the justification for its adoption and operation.

In some cases, a housing scheme may be subject to planning conditions that restrict who is permitted to occupy the accommodation (e.g. a rural housing scheme where occupancy is limited to people with a local connection).

When a property is subject to a Local Lettings Policy or planning conditions, the advertisement will state the restrictions and which applicants are permitted to bid.

### **6.3 Direct allocations**

In certain circumstances members of the Partnership reserve the right not to advertise a property and allocate it directly to an applicant, or to allocate a property that has been advertised directly to an applicant. The following are examples of circumstances where a direct allocation may be made.

- a) Where a person has been assessed as needing an urgent move as a result of violence or threats of violence or through the National Witness Protection Service.
- b) Where a sensitive letting has to be made, for example for a vulnerable person, or a sex or violent offender and is subject to MAPPAs, or to deal with a severe housing management problem, where the Council considers that a direct allocation is more appropriate than requiring or allowing the applicant to bid on a property.
- c) Where the applicant is a homeless person and the Council has accepted a full Housing Duty under Section 193 of Part 7 (Homelessness) of the Housing Act 1996 and the applicant has failed to regularly participate in bidding for properties which the District Council in question considers suitable. This means that applicants should bid for the maximum permitted (and available) properties regardless of the property type (for example flats/houses).
- d) Where an applicant demonstrated an urgent need to move due to serious imminent personal risk or severe harassment.

- e) Where the applicant is a homeless person where the Council has accepted a full housing duty under Section 193 of Part 7 (Homelessness) of the Housing Act 1996 and the applicant is:
- in temporary accommodation,
  - has bid on a property or properties,
  - has not been successful, and
  - there is a strategic need to move that applicant from the temporary accommodation to make way for another homeless applicant.
- f) Where a property is identified as having adaptations or suitable adaptations a Direct Allocation may be made.

In c) and e) above, if the applicant is in accommodation secured under Section 193 of the Housing Act 1996 and the applicant refuses a suitable offer of accommodation then the District Council that is securing the accommodation under Section 193 will discharge its duty and will take possession proceedings to bring an end to the accommodation. When making a direct allocation, the preferences of the applicant will be taken into account as far as possible.

#### **6.4 Applicants subject to duty under Section 193 of Housing Act 1996 (Homelessness)**

Where a Bucks Home Choice applicant has also made an application for assistance to the District Council under Part 7 (Homelessness) of the Housing Act 1996 then the priority awarded to the applicant will be based solely on the status of their homelessness application in accordance with the relevant category set down in the Priority Bands in Appendix 1.

In these cases, the assessment of the priority band will not consider any factors set down in the other Reasonable Preference categories. Any issues relating to the suitability of the applicant's temporary accommodation will be addressed by the relevant District Council in accordance with the requirements of Part 7 of the housing Act 1996 and the associated guidance.

Further details of specific arrangements for applicants who have also submitted an application for homelessness assistance are set down below.

##### **6.4.1 Priority Banding of applicants deemed to be subject to duty under Section 193 of Housing Act 1996 (Duty to persons with priority need who are not homeless intentionally)**

Where a Bucks Home Choice applicant:

- has also made an application for assistance to the District Council under Part 7 (Homelessness) of the Housing Act 1996 and
- has been deemed to be eligible for the duty under Section 193 of the Housing Act 1996 (Duty to persons with priority need who are not homeless intentionally),

then the applicant will be placed in Priority Band D in order to give the applicant a reasonable opportunity of securing suitable long term settled accommodation.

#### **6.4.2 Re-assessment of Priority Banding when applicant ceases to be subject to duty under Section 193 of the Housing Act 1996**

If the District Council ceases to be subject to a duty under Section 193 of the Housing Act 1996 then this will be deemed to be a change of circumstances and the applicant's qualification and priority under Bucks Home Choice application will be re-assessed accordingly.

If the reassessment finds that:

- (a) the applicant continues to qualify for Bucks Home Choice (see Section 2.3) and
- (b) the duty under Section 193 of the Housing Act 1996 ceased because the applicant:
  - (i) refused a suitable offer of accommodation that was offered in performance of the Section 193 duty,
  - (ii) voluntarily ceased to occupy accommodation that was offered in performance of the Section 193 duty,
  - (iii) has become homeless intentionally from accommodation that was offered in performance of the Section 193 duty,
  - (iv) has refused a suitable final offer of accommodation made under Part 6 of the Housing Act 1996 , or
  - (v) has refused a suitable private rented sector offer

then the Bucks Home Choice application will be re-banded and placed in Priority Band E unless the applicant has suitable accommodation in which case they will cease to qualify.

The above approach aims to assist homeless applicants by giving them reasonable priority for re-housing while also recognising the scarcity of accommodation and the need for such applicants to make full use of the assistance provided under Section 193 of the Housing Act 1996. This assistance is not available to other applicants on Bucks Home Choice and, therefore, it is expected that a homeless applicant will accept all assistance offered through the Section 193 duty in order to secure accommodation.

If an applicant fails to make use of this assistance and the duty under Section 193 ceases, then the Bucks Home Choice scheme considers that it is unfair to continue to give the applicant a high priority banding (i.e. Band D) compared to the other applicants on the scheme. Therefore, the Bucks Home Choice application will be re-banded to the lowest Priority Band, Band E.

If a homeless household has not been bidding on a regular basis the Bucks Home Choice Partners reserve the right to make bids on applicant's behalf or make a direct offer of accommodation.

## **6.5 Verifying and nominating an application**

### **6.5.1 Verifying**

Before any offer of accommodation is made, the Managing Partner will contact the successful applicant to verify all relevant information on their housing application. Unannounced home visits will, where appropriate, be carried out to verify applications. Applicants will be expected to provide the required documentary proof to confirm the statements on their housing application.

The purpose of this verification is to check that the details provided by the applicant are correct, and in particular to confirm that the applicant is:

- Eligible and qualify for housing under the Bucks Home Choice Allocation Policy, and
- Suitable for the size and type of property concerned (see Appendix 2), and
- Has been placed in the correct Priority Band, based on his or her circumstances (see Appendix 1).

If an applicant does not provide the necessary information or if the verification shows that the housing application is not correct the application will be suspended and a re-assessment will be made reflecting the current circumstances. This includes where the applicants rent account is not up to date and it does not meet an exception category, the offer will be withdrawn (see Paragraph 2.3.4). The next person on the shortlist will be contacted with a view to making an offer.

If the Managing Partner is unable to contact the applicant and verify circumstances within the next working day following a home visit the applicant will not be nominated for the property.

### **6.5.2 Nomination**

If an applicant is shortlisted for a property, then the Registered Provider will contact the applicant to set down the timescales for a viewing of the property concerned and for the acceptance of any offer that is subsequently made. It is the responsibility of the applicant to attend the viewing at the stated time and to respond to the timescales set down by the Registered Provider. In the event of the applicant failing to do so, the Registered Provider will have the option to withdraw the offer of the tenancy.

In the event of the Registered Provider refusing a nomination the Partnership will require clear written reasons for the refusal. If the Partnership considers the reason for refusal as being incorrect, unjust or subjective then the Partnership will submit a written request to the Registered Provider to review their decision.

### **6.5.3. Withdrawal of a nomination**

In very exceptional circumstances, the Registered Provider may withdraw an advert/ offer of accommodation, these circumstances may include but not be limited to:-

- Where an error has been made in the advertising criteria.
- When it has been established that the property needs extensive works.
- When the property has been advertised, but the existing tenant has withdrawn their notice.
- When the property has been advertised but withdrawn for a direct let for an urgent case.
- When the nominee does not qualify under their Allocation Policy

### **6.6 Temporary suspension from bidding**

An applicant will be suspended from bidding on a temporary basis when:

- They are placed under offer for a property the application will be suspended until the applicant decides if they will take the property or not.
- They have accepted a property as it will be considered their housing requirements have been met. Once the property has been let to the applicant the application will be removed from Bucks Home Choice
- They have refused three offers of accommodation that they have bid on and the Partnership considered suitable for the applicant's needs. The application will be suspended for 6 months and the applicant will be advised in writing of this decision. During this period an applicant will not be permitted to bid on any advertised properties.

## **7. Review of decisions and complaints**

### **7.1 Asking for a decision to be reviewed**

Applicants have rights under the Act to ask for the review of a decision. The following decisions are subject to the right to request a review:

- a) The applicant's housing application has been refused on the grounds they are not eligible or qualifying person.
- b) The applicant is removed from the housing register on the grounds they are no longer eligible or qualifying person.
- c) An applicant's Priority Banding (i.e. the applicant disagrees with the banding that they have been awarded and wishes to have their banding reviewed).
- d) Any decision about the facts of a particular application which have been taken into account to assess whether an allocation should be made.
- e) Any decision to suspend an application due to the applicant having refused three offers of a tenancy (see section 6.6).

Applicants should request a review within 21 days of being notified of a decision.

The review will be carried out by the Managing Partner that made the decision in respect of (a) to (e) above. Reviews will be carried out by a Senior Officer who was not involved in the original decision.

The applicant will be notified of the review decision in writing within a 56 day period of the review being requested.

Once a review has been completed and the applicant has been notified of the decision on review, the applicant cannot request a further review on the same decision unless there has been a factual change in his/her circumstances.

## **7.2 Making a complaint**

Each member of the Partnership has a published procedure for customer complaints which can be found on their website or a hard copy is available upon request.

## **8. Monitoring and policy review**

### **8.1 Monitoring**

The Partnership will monitor the outcomes of lettings through Bucks Home Choice, to assess whether it is meeting the aims stated in section 1.3 and the Equality Statement in section 1.4.

### **8.2 Policy review**

The results of monitoring will be used to review this Policy. Reviews will be carried out annually, but the Partnership may carry out an earlier review if monitoring shows that this is necessary.

The Policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation. When this is necessary, changes will be authorised by the Partnership's Senior Housing Officers or relevant Heads of Service and will be subject to the agreement of all four Managing Partners.

## **9. Data Protection and information sharing**

### **9.1 Data Protection**

9.1.1 All information held by the Partnership is subject to the Data Protection Legislation (including the Data Protection Act 2018 ("DPA") and the General Data Protection Regulation (EU) 2016/679 2016 ("GDPR"). Information will be used in accordance with each Managing Partner's Privacy Notice which can be found on their websites.

9.1.2 In order to deal with an application the Applicants personal data will be used and the Managing Partner will contact third parties to obtain and share information in order to comply with the statutory obligation of processing the Applicants housing and/or homelessness application. The processing of such personal data is necessary for the partners to comply with their legal obligations under the law on housing and homelessness.

## **9.2 Information Sharing**

9.2.1 Information about the Applicants relating to their housing options, homelessness and/or threatened homelessness may be shared with third parties including but not limited to private sector landlords, housing associations, lettings agents, health services, children, family and adult services, education services, Department of Work and Pensions, Housing Benefit and Council Tax services, the Police, prisons, probation and youth offending services, Citizens Advice and voluntary sector organisations.

9.2.2 Each Managing Partner will on an annual basis publish lettings information including the age, sex, ethnicity and nationality of applicants and new tenants. This information will be statistical only and will not identify individual applications or tenants.

## **9.3 Councillor or MP enquiries on behalf of Applicants.**

9.3.1 The Managing Partner will give its Councillors and MPs personal data about the Applicant if the Applicant asks it to or if the Councillor or MP reasonably needs it to carry out their duties, but the Councillor and/or MP must not use it for other purposes.

## **9.4 Enquiries made on behalf of applicants by an advocate organization.**

Where an enquiry is received by an advocate/ organisation on your behalf, the District Council may release your “personal data” in response to their queries; this may include information on your age, marital status, housing history, household type, economic status, benefits, income, support services received and medical history.

A Managing Partner will only release information and discuss an applicant’s case with an advocate agency if the applicant has given written consent to do. The applicant will be asked to sign a data release consent form.

## APPENDIX 1

### ***Priority Bands***

**This Policy assesses the relative priority of Bucks Home Choice applicants by placing them in a Priority Band that best reflects the applicant's current housing circumstances and level of housing need.**

**The Priority Bands take account of the requirement of Section 166A (3) of the Housing Act 1996 which states that a local housing authority's allocation scheme must be framed so as to secure that Reasonable Preference is given to the categories of household listed in Appendix 3 of this policy.**

**The Priority Bands are listed below.**

<b>Band A</b>
<ol style="list-style-type: none"><li>1. Applicants or a member of his or her household who are living within one of the Partnership Districts and <b>have demonstrated an urgent need to move due to serious imminent personal risk</b> or severe harassment and rehousing is the only option. The Partnership reserves the right to make a Direct Let of accommodation. As determined by a Senior Officer.</li><li>2. Applicant or a member of his or her household whose health or disability is so severely affected that they physically cannot access their current home and/or essential facilities within their current home and it is not possible for adaptations to be carried out to the property to provide this access.</li><li>3. Applicants who cannot leave hospital because they have no suitable accommodation elsewhere and require specially adapted accommodation.</li><li>4. Social Housing tenants with a Registered Provider within the Bucks Home Choice Partnership area who are under-occupying family accommodation and are wishing to downsize to a suitable size property as set down in appendix 2.</li><li>5. Families living in accommodation where there are two or more bedrooms short or the property is statutory overcrowded.</li><li>6. Social Housing tenants within the Partnership area with a Registered Provider and are living in a property that has been built or adapted for a person with a disability and this is no longer needed.</li><li>7. Applicants as assessed by the Safeguarding Board and a more suitable property is essential to reduce the risk.</li></ol>

**Band B**

1. Applicants living in supported housing who have been nominated to the Housing Register as being ready for move on and where there is an agreed move on protocol in place between the landlord/support provider and the District Council with which the applicant is registered.
2. Applicants who are due to leave care of the Children and Families services (Aftercare Team) and who are ready for independent living. Priority band B will only be awarded where the move is being undertaken in accordance with the Buckinghamshire Leaving Care Protocol between Bucks County Council, Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils'.
3. Applicants who need to move on medical grounds because their current home is having a severe impact on the health of a member of the household and re-housing to more suitable accommodation will help to reduce this impact and his/her health will deteriorate if the household is not moved to more suitable accommodation. Priority band B will only apply where the applicant is bidding on properties that will reduce the impact on the health of the member of the households.
4. Households living in accommodation where the household is lacking one bedroom.
5. Living in insanitary or unsatisfactory conditions which would include properties affected by lack of amenities or services, severe damp. Major structural defects, flooding, collapse of roof or statutory nuisance and the conditions cannot be rectified within a reasonable period. As assessed by the partner district council against the relevant legislation including housing standards and relevant safety rating systems.

### Band C

1. Applicants that need to move on welfare grounds as agreed by the Bucks Home Choice Partnership. Applicants who need to move on medical grounds because their current home is having an adverse impact on the health of a member of his or her current accommodation and their health will not deteriorate in their current accommodation but the adverse impact will be significantly reduced with a move to more suitable accommodation. The recommendation of the medical advisor may be taken into consideration when deciding what level to priority to award and the type of accommodation necessary to alleviate the impact.
2. Applicants who may need assistance in finding their own accommodation such as adults with a learning disability/ mental health grounds who are ready to leave the family home and who are currently receiving a care package/support package from Bucks CC.
3. Families living within another household where there is sufficient bedrooms to accommodate both families e.g. adult children with their own families living in the parental home
4. Armed Forces applicants who have been discharged due to serious injury in the past five years

### Band D

1. Applicants who are subject to the main housing duty S193(2) under the Housing Act 1996 Part VII and have been accepted as homeless, in priority need and unintentionally so by:-
  - Aylesbury Vale District Council
  - Chiltern District Council
  - South Bucks District Council
  - Wycombe District Council
2. Singles/Couple with no dependent children sharing where there is no overcrowding. (For the purpose of this policy sharing accommodation means sharing the use of the kitchen, bathroom and toilet facilities)
3. Singles/Couples who are living in HMOs (House in Multiple Occupation). (For the purposes of this policy, a HMO is a building which is lived in by more than one separate household who share basic facilities such as kitchen, bathroom or a toilet. People are treated as being part of the same household if they are related to each other (family members) or live together as a couple)
4. Sofa surfers, single person households without a fixed address who rely upon friends and family for accommodation for limited periods (also known as Sofa Surfers) and verified rough sleepers. (Verified by the Council's partner agencies)
5. Singles or couples who are over 55 and seeking designated aged persons accommodation for persons 55 and over and whose circumstances do not fall into bands A-C and do not hold any form of social housing tenancy within the partnership.
6. Applicants living in Supported Housing who do not qualify under a

move on protocol.

7. Applicants who are in care of Children and Families who wish to register prior to being 18 under the Buckinghamshire Leaving Care Protocol.
8. Applicants who are serving in the armed forces (or have served in the armed forces with the five year period immediately preceding their Bucks Home Choice Application) and who do not satisfy any of the Reasonable Preference categories listed in Appendix 3.
9. Applicants who have recently left ministry of defence accommodation because of the death of a spouse, who served in the regular force and whose circumstances do not fall in Priority Bands A,B or C.

### **Band E**

1. Applicants who are homeless within the meaning of Part VII of the Housing Act 1996 and who have been assessed as being owed a relief duty by one of the members of the partnership.
2. Applicants who are homeless within the meaning of Part VII of the Housing Act 1996 and who have been assessed as being owed a prevention duty by one of the members of the partnership(unless a higher priority banding applies).
3. Applicants who have applied for assistance to one of the four District Councils' belonging to the Bucks Home Choice Partnership under Part VII of the Housing Act 1996 where the Council has reached a decision that they are homeless and in priority need but have been determined to be homeless intentionally s191(3).
4. Applicants who have applied for assistance to one of the four District Councils' belonging to the Bucks Home Choice Partnership under Part VII of the Housing Act 1996 where the Council has reached a decision that they are homeless but not in priority need.
5. Applicants who have applied for assistance to one of the four District Councils' belonging to the Bucks Home Choice Partnership under Part VII of the Housing Act 1996 and have ceased to be subject to a duty under S193 and who meet the circumstances set down in 6.4.2
6. Applicants who have been assessed as having worsened their circumstances.
7. Applicants who are subject to Reasonable Preference under Section 166A(3) of the Housing Act 1996 (see Appendix 3) and who fall within one of the classes of person listed in Section 2.3B of the Policy (i.e. applicants who are deemed not to qualify for the Bucks Home Choice scheme unless they are deemed to have a Reasonable Preference)
8. Applicants accepted under the Right to Move (see Paragraph 3.4)

## Appendix 2

### Bedroom Standard and Type of Accommodation

When deciding the size of property for which applicants will be eligible, the following Bedroom Standard will be used.

Bedroom Standard				
Household Size	Number of bedrooms			
	1 *	2	3	4
Single Person	✓			
Couple wishing to live together	✓			
In exceptional cases e.g. where there are care needs adult siblings wishing to live together		✓		
Parent(s) with one child		✓		
Parent(s) with two children of the same sex both aged under 18 years		✓		
Parent(s) with two children of opposite sex both aged under 10 years		✓		
Parent(s) with two children of the same sex and the oldest is aged 18 years or more			✓	
Parent(s) with two children of opposite sex where the older child is aged 10 years or over			✓	

Parents with three children where two children can share (because they are (i) same sex both under 18 or (ii) different sex both under 10)			✓	
Parents with four children where it is possible for two pairs of children to each share a bedroom (because they are (i) same sex both under 18 or (ii) different sex both under 10)			✓	
Parents with three children where none of which can share (same sex over 18 or different sex over 10)				✓
Parents with four children where only two can share (same sex both under 18, or different sex both under 10)				✓
Parents with five or more children				✓

\*For the purposes of this policy a bedsit/studio is considered suitable for either a single person or a couple.

In all cases, where children meet the criteria to share a bedroom, the applicant will only be considered for a property which meets the families need, based on the above bedroom standard.

- When deciding whether an applicant and his or her household is under-occupying accommodation, or lacks one or more bedrooms, the lower number of bedrooms shown against each size of household will be used as the “standard” number of bedrooms required. For example, a family with two children who is living in a relative’s home and has the use of one bedroom will be deemed to lack one bedroom.

Where a bedroom can accommodate bed/beds in line with Housing Benefit rules, this is deemed adequate. There may be exceptions to this i.e. Sloping ceiling under stair or eaves, where it may be relevant to reconsider.

A bedroom being used for storage will still be considered to be available as a bedroom

Where a property has two reception rooms it may be considered that one of the reception rooms can be used as a bedroom.

Type of accommodation

- Age restricted housing will normally be available for applicants over 55.

- Accommodation that is designated as supported housing will be available only for applicants who are eligible for that particular accommodation. For example, some supported housing is provided exclusively for people with learning difficulties, or for young people leaving care.

Where accommodation is available only for applicants who satisfy such special criteria, this will be made clear in the advertisement of the property

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### **Appendix 3**

## **Reasonable Preference**

The Housing Act 1996 requires that the Bucks Home Choice scheme must give Reasonable Preference to certain groups of people.

The Reasonable Preference groups are listed in Section 166A (3) of the Housing Act 1996 as follows:

- People who are homeless (within the meaning of Part 7 (Homelessness) of the Housing Act);
- People who are owed a duty by any local housing authority under Part 7 (Homelessness) of the Housing Act 1996 because they are:
  - Homeless and in priority need but homeless intentionally;
  - Homeless and in priority need and not intentionally homeless;
  - Threatened with homelessness and in priority need and not intentionally homeless;
  - Not intentionally homeless but not in priority need;
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds (including grounds relating to disability).
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

The specific categories in the Priority Need bandings (see Appendix 1) take account of these Reasonable Preference categories. However, in deciding how one applicant should be prioritized compared to another with similar needs, the Bucks Home Choice scheme will also take account of factors such as local connection, behaviour and the financial resources available to each applicant.

For example, an applicant who;

- (i) falls into one of the Reasonable Preference categories and
  - (ii) who has a local connection to the Managing Partner's district
- will be placed in a higher priority band than an applicant with similar needs who does not have a local connection.

Further information on the qualification and prioritising of applicants can be found in Section 2 of this Policy

### Appendix 4

<b>Explanation of the terms used in this policy</b>	
Applicant	The term “applicant” includes single people and couples.
Household	The term “household” includes all eligible adults and dependent children included in the applicant’s application. Short term sharing arrangements or temporary part time arrangements will not normally be classified as a household member (see Section 3.3)
Reasonable Preference category	. See Appendix 3.
The Act	The Housing Act 1996 as amended
Child	A person under 16
Housing Register	A database of applicants for Bucks Home Choice
Change of Circumstances	A change in household circumstances (e.g. address/accommodation, addition of an adult household member) that may affect BHC qualification and/or priority banding
Registered Provider	A private non-profit making body that is registered and regulated by Government to provide and manage affordable housing (also known as a Housing Association)
Definition of Social and Affordable Housing	Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.

## **Appendix 5**

### **Policies**

In accordance with Section 166A (12) of the Housing Act 1996, the Bucks Home Choice Allocation Policy has been prepared with regard to the following Strategies:

Bucks Tenancy Strategy (Adopted January 2013)

Aylesbury Vale District Council Housing and Homelessness Strategy 2014-2017

Chiltern and District Council and South Bucks District Council Joint Housing Strategy (Affordable Housing and Homelessness) 2018-2021

Wycombe District Council Homelessness Strategy 2014-2019

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