

# Bucks Home Choice

## Allocation Policy



**BUCKINGHAMSHIRE COUNCIL HOUSING ALLOCATIONS SCHEME  
(DRAFT)**

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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 **the Buckinghamshire Council local housing authority area**.

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.

The scheme applies to all properties in **the Buckinghamshire Council local housing authority area** that are owned and/or managed by a Registered Provider and the Council has the right to nominate to.

**The scheme's Housing Register is split into four areas which correspond to the former administrative areas of the former District Councils – Aylesbury Vale, Chiltern, South Bucks and Wycombe. The Allocations Scheme is subject to a local connection criteria linked to the legacy district areas (see Section 2.3.3) and framed to prioritise local applicants for rehousing within each district area (e.g. applicants with a local connection to the Chiltern area are prioritised for tenancies in the Chiltern area)**

**The terms "Senior Housing Officer" and "Senior Officer" are used in this policy for ease of reference only. The exact titles of the officers within the Council will vary and may be subject to change from time to time. The Council will have designated officers responsible for the operation of the Bucks Home Choice Scheme and Allocation Policy and details of these officers are available on request**

### 1.2 Aims of the Bucks Home Choice Scheme

**The aims of the scheme are:**

- a) To meet **the Council's** 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 facilitate a degree of mobility across the Buckinghamshire Council local authority area
- d) To help and encourage sustainable communities.
- e) To make the best possible use of all available housing stock.
- f) To allocate housing resources in a way that is as fair as possible.
- g) To make the process of allocating tenancies as open and transparent as possible.

### **The scheme is also committed to**

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

### **1.3 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

### **1.4 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 all relevant legislation and statutory guidance including (but not limited to):

- The Allocation of Accommodation: Guidance for Local Housing Authorities in England (MHCLG – First published June 2012 and subsequently updated)
- Providing Social Housing for Local People: Statutory Guidance on Social Housing Allocations for Local Authorities in England” (DCLG – December 2013)
- Right to Move and social housing allocations (MHCLG – First published March 2015)

- Improving access to social housing for victims of domestic abuse (MHCLG Nov 2018)
- Improving access to social housing for members of the Armed Forces (MHCLG June 2020)
- The Housing Act 1996 Part 6 (Allocation of Housing Accommodation) and Part 7 (Homelessness)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
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015/967)
- The Bucks Tenancy Strategy
- The Homeless Reduction Act 2017
- The Domestic Abuse Act 2021

The Policy may be subject to minor amendments from time to time (e.g. when there are changes to relevant legislation). These will be agreed and authorised by the Council using the appropriate governance procedure.

## 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 Council 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 Council 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 Council'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.org.uk](http://www.buckshomechoice.org.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. Blanket exclusions of particular groups cannot be applied and these exclusions may not apply to homeless applicants as they do not over-ride the Council's duties under Part 7 (Homelessness) of the Housing Act 1996.

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

Notwithstanding Clause 2.3B the following persons are deemed not to qualify for the Bucks Home Choice scheme under this clause 2.3A if the following applies:

- (a) A person whose circumstances do not meet the criteria of any of the Priority Bands set down in Appendix 1 (see 2.3.1)
- (b) A person who is an applicant who is deemed to be reasonable preference but they or a member of their household is considered guilty of unacceptable behavior serious enough to make them unsuitable to be a tenant and at the time of the application for housing they are still considered unsuitable to be a tenant when considering all the relevant circumstances as appropriate (see 2.3.2).

Each application will be considered on a case by case basis.

### **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 under this clause 2.3B 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.

### **2.3C Exceptional Circumstances**

The **Council** 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 out in this Policy. Any decision to register a non-qualifying household will be subject to authorisation by the Senior Housing Officer 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 Council** 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 include consideration of all the household's circumstances including the timing, pattern and seriousness of the behavior and an applicant's engagement with appropriate services.

#### **Examples of Unacceptable Behaviour could include but 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 the **Council'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 Council 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 legacy district areas in order to qualify for Bucks Home Choice;

- Legacy Aylesbury Vale area
- Legacy Chiltern area
- Legacy South Bucks area
- Legacy Wycombe area

The applicant will only qualify to register for the district area where their local connection applies (e.g. An applicant with a local connection to the legacy Wycombe district area will only qualify to register for rehousing in the legacy Wycombe area. The applicant will not qualify to register for rehousing in the other legacy district areas – subject to the Exceptions listed further down in this section)

An applicant is deemed to have a local connection with one of these legacy district areas if the applicant:

- Is living and has lived in the legacy district area continuously for at least 2 years immediately preceding the date of the application. If an applicant has lived out of the area 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 area 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 the legacy district area 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 **legacy district area**, 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 **anywhere within the Buckinghamshire Council local housing authority area will retain a local connection with the district** 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 **the local connection criteria above for at least one of the legacy district areas**, 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 Buckinghamshire Council
- 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 area for reasons out of their control (i.e. placed in care,) and who had a local connection to the district area 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

- j) Is a current or former “looked after” child currently being supported by Buckinghamshire Council’s Children’s Services and is registering on the Bucks Home Choice scheme in accordance with the terms of the Buckinghamshire Leaving Care Protocol (in which case the applicant can register for rehousing on any of the **legacy district area** Housing Registers regardless of where they may currently or previously have resided)

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 **legacy district area** provided they are not deemed to be a non-qualifying person under clause 2.3A(b).

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 district areas 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) and are not deemed to be a non-qualifying person under clause 2.3A(b) 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 **Council** 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) and is not deemed to be a non-qualifying person under clause 2.3A(b))

An applicant who 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) and is not deemed to be a non-qualifying person under clause 2.3A(b))

### **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) and is not deemed to be a non-qualifying person under clause 2.3A(b).
- 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.

#### **There may be exceptional circumstances where the Council may depart from this Policy including for example –**

1. 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.
2. 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) may not apply if the **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 **Council** 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 legacy district area Housing Registers. The applicant must have a local connection to the district area concerned in order to qualify for the legacy district area Housing Register (e.g. an applicant for the Aylesbury Vale legacy district area Housing Register must have a local connection with the legacy Aylesbury Vale area). 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 legacy district area, the application will be managed and maintained by the legacy district area Housing Register 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 with any of the four legacy district areas (Aylesbury Vale, Chiltern, South Bucks or Wycombe) but is still a qualifying person can apply to go on to any of the four legacy district Housing Registers.

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

A person who is a member of staff of the **Council**, their close family and elected members of the **Council** 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 a Senior Housing Officer.

### **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.org.uk](http://www.buckshomechoice.org.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 Council 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 Council 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 Council to:**

- (i) **make reasonable and relevant enquiries as are required to complete the assessment and**
- (ii) **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 (see Section 7).

### **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 Council 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 18 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 Council 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 Tax Credits and/or Universal Credit.
- 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 **Council** will consult partner agencies as required and in accordance with the Data Protection Act and GPDR 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 Buckinghamshire **Council area** to avoid hardship and is not deemed to be a non-qualifying person under clause 2.3A(b)
- need to move because the tenant works or has been offered work in the Buckinghamshire **Council area**
- and has a genuine intention to take up the offer of work.

The Council must be satisfied that the tenant needs, rather than wishes, to move for work reasons. As well as other factors the Council 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 Council 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 advice and information to applicants**

The Council 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 **Council** 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 (see Section 2.3)
- 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 Council** 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 the number of bedrooms that are currently available to the applicant's household, 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 Council 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 Council.
- 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.

This will not apply when an applicant is a current or former “looked after” child who has been moved into a higher banding under the terms of the Buckinghamshire Leaving Care Protocol (because the applicant is due to leave care and is ready for independent living). In this specific situation, the priority date of the banding will not be amended when the applicant moves into a higher banding. The purpose of this exception is to support Buckinghamshire Council in meeting its Corporate Parenting responsibilities and to ensure that young people leaving care are able to secure accommodation at the appropriate time in order to achieve a successful transition into adulthood and independent living.

### **4.2 Assessment of Medical Needs**

**The Council** has 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, **including consulting a qualified medical adviser as required** They will consider the medical advisor’s 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 **Council** 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.

Households in temporary accommodation that is provided by the **Council** in pursuance of its homelessness duty (Part 7 of the Housing Act 1996) will not be entitled to a priority banding on Medical Grounds. In this situation, the household will have the statutory right to request a review of the suitability of the temporary accommodation that has been secured for them. This will be dealt with outside of the Bucks Home Choice Allocation Policy and in accordance with the current homelessness legislation and associated



guidance. The Council will also keep the suitability of the temporary accommodation under ongoing review and will respond to any change of circumstances that arises in the household concerned.

### 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 decision on whether or not to award priority on welfare grounds will be made by a panel consisting of at least two senior officers of the Council and all decisions will be recorded to ensure equality and consistency is maintained.

The panel will comprise of at least two senior officers of the Council 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 Council 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 Council area).

Then the Council will liaise with the applicant and relevant agencies to identify a suitable course of action to address the welfare needs.

Households in temporary accommodation that is provided by the Council in pursuance of its homelessness duty (Part 7 of the Housing Act 1996) will not

be entitled to a priority banding on Welfare Grounds. In this situation, the household will have the statutory right to request a review of the suitability of the temporary accommodation that has been secured for them. This will be dealt with outside of the Bucks Home Choice Allocation Policy and in accordance with the current homelessness legislation and associated guidance. The Council will also keep the suitability of the temporary accommodation under ongoing review and will respond to any change of circumstances that arises in the household concerned.

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

The Council 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 Council 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 Council reserves the right to review the Priority Band.

In conducting the review, the Council 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 the Council
- Personalised property lists may be posted to applicants who are housebound or cannot use any of the other methods

The **Council** may choose to vary the timing of the cycle for advertising properties.

## **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 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 areas**

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

Advertised in a legacy district area where the applicant has a local connection with the district area concerned or,

Advertised as being available to all Bucks Home Choice applicants who require the size and type of property concerned (regardless of which legacy district(s) area the applicant has a local connection with).

## **5.4 Properties advertised across the Buckinghamshire Council area**

One of the aims of Bucks Home Choice is to enable some applicants to move between legacy district areas. 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 legacy district area(s) with which they have a local connection.

The **Council** 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 **Council** to assess whether applicants are finding some flexibility in where they can choose to live, whilst ensuring that the Council continues to be able to meet its Statutory Duties.

Where a property has been advertised for three advertising cycles and the property has received no appropriate bids the Council reserves 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 Council.
- Where there is little or no demand for a particular property.
- Where the applicant has been approved as a foster carer by Buckinghamshire 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 3.3.1)

## 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 Council's Customer Access Points
- 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 2.3.5). 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 **Council** does 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 **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 **Council** 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 **the Council** reserves 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 MAPP (Multi-Agency Public Protection Arrangement) 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 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 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 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 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 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 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 **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 **Council** 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 2.3.5). The next person on the shortlist will be contacted with a view to making an offer.

If the **Council** 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 Council** will require clear written reasons for the refusal. If **the Council** considers the reason for refusal as being incorrect, unjust or subjective then **the Council** 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 which the Council 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 Housing Act 1996 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.

Reviews will be carried out by a Senior Officer of the Council 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**

The Council 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 Council 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 Council 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 in accordance with the Council's corporate decision making protocols.

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

### **9.1 Data Protection**

9.1.1 All information held by the Council 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 Council will contact third parties to obtain and share information in order to comply with the statutory obligation of processing the Applicant's housing and/or homelessness application. The processing of such personal data is necessary for the Council to comply with their legal obligations under the law on housing and homelessness.

### **9.2 Information Sharing**

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,

Registered Providers, 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.

**The Council** 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.**

The **Council** will provide to 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 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.

**The Council** 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 in <b>Buckinghamshire</b> and have demonstrated an urgent need to move due to serious imminent personal risk or severe harassment and rehousing is the only option. (In this situation the <b>Council</b> 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 <b>Buckinghamshire area</b> 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 compared to their household bedroom need (see Appendix 2) or the property is statutory overcrowded.</li><li>6. Social Housing tenants within <b>Buckinghamshire</b> 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 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 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 the Council's Children's Service and Housing Service).
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. Applicants who are 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 these conditions cannot be rectified within a reasonable period. (As assessed by the 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 Council** (See Section 4.3)
2. 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.)
3. 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 **the Council**.
4. Families living within another household where there are sufficient bedrooms to accommodate both families (e.g. adult children with their own families living in the parental home)
5. Applicants who have been discharged from the armed forces due to serious injury in the past five years and do not fall into Priority Bands A or B.

### 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 homeless **by the 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 (as verified by the Council or its partner agencies)
5. Singles or couples who are aged over 55 years and seeking accommodation for persons 55 and over and whose circumstances to not fall into bands A-C.
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 armed forces 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 **the Council**
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 **the Council** (unless a higher priority banding applies).
3. Applicants who have applied for assistance to **the Council** 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 **the Council** 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 homelessness assistance to **the Council** and have ceased to be subject to a duty under S193 and who meet the circumstances set down in Section 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 and the eldest child is assessed as not being able to live independently or in full time education			✓	
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 and assessed as not being able to live independently or being in full time education, 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 with any children over the age of 18 assesses as not being able to live independently or being in full time education				✓

\*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 beds/bunk beds 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 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

### **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 **a district area**

will be placed in a higher priority band than an applicant with similar needs who does not have a local connection **to the district area**.

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

### Appendix 4

Explanation of the terms used in this policy	
Act	The Housing Act 1996 as amended
Applicant	The term “applicant” includes single people and couples.
Buckinghamshire	The administrative area covered by Buckinghamshire Council
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
Child	A person under 16
Council	Buckinghamshire Council
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)
Housing Register	A database of applicants for Bucks Home Choice
Legacy Aylesbury Vale area	The former administrative district area of Aylesbury Vale District Council
Legacy Chiltern area	The former administrative district area of Chiltern District Council
Legacy South Bucks area	The former administrative district area of South Bucks District Council

Legacy Wycombe area	The former administrative area of Wycombe District Council
Reasonable Preference category	. See Appendix 3.
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)
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.