Royal Borough of Windsor & Maidenhead

Housing Options
And
Allocations Policy
2013 – 2018
Part One

1. Introduction

1.1 The purpose of this policy is to set out the framework by which the Royal Borough of Windsor and Maidenhead will allocate homes in the Borough. The Council can only offer accommodation to very few people each year as very limited properties in the social housing sector become available each year. This document sets out how RBWM will prioritise any allocation of accommodation.

1.2.1 Operates alongside a number of other policy documents related specifically to the provision and management of Housing. These are:

- Housing Strategy which sets out the overall objectives for the department
- Tenancy Strategy which sets out the range of tenancies offered by RBWM
- Homelessness Strategy which seeks to prevent homelessness within the Borough

Part Two

2. Housing

2.1 The Royal Borough of Windsor and Maidenhead transferred all its housing stock to two Council sponsored Housing Associations on 21st May 1995 and does not have a direct role in the management if these properties. The Council has retained nomination rights to a percentage of the Associations properties and works with a variety of providers within the Borough.

Part Three

3. The Aims of this Policy

3.1 The Royal Borough of Windsor and Maidenhead sets out in detail who is eligible for housing and who is not. It also sets out how applicants can apply and access housing.

3.2 We will allocate housing through our Housing Need system where all applicants are placed in bands according to those needs. This system will be supported by a Housing Options approach giving applicants bespoke housing advice to promote all alternatives to Social Housing such as low cost Home Ownership and Private Sector housing.

3.3 We seek to ensure that the allocation of homes is done in such a way to promote social cohesion and balanced sustainable communities. To that end we will from time to time implement letting plans and focus on different priorities within the scheme.

3.4 This policy will be retrospective and all applicants will be assessed in line with this policy.
Part 4

4. The Legal Context

4.1 The Allocations Policy sits within a legal framework which is explained within this Section.

4.2 The Housing Act 1996 (as amended by the 2002 Homelessness Act) requires local Authorises to make all allocations and nomination in accordance with an Allocations Scheme. A summary of any such scheme must be published and made available free of charge to any person who asks for a copy. A summary of the Allocations Scheme is available on line and is made available to every applicant, a copy is held at both the Town Hall in Maidenhead and at York House in Windsor.

4.3 This Scheme has considered The Localism Act 2011 and the Council’s obligations and discretion contained within that legislation.

Part 5

5. Eligibility

5.1 Local Connection

Only those people who have a local connection with the Royal Borough of Windsor and Maidenhead will be admitted to the register.

- Those people who are resident in the Borough and have been continuously resident in the Borough for 2 years immediately prior to application.

- Those people who are in full time permanent employment (physical place of employment) and have been employed within the Borough for 2 years immediately prior to application. Self Employed persons may not use the address where their business is Housing Registered for local connection purposes unless they can demonstrate that they physically work at that address on a full time basis and have done so for a 2 year period prior to the date of application.

5.2 Those who cannot apply for housing in the Royal Borough of Windsor and Maidenhead are as follows:

- Persons who are disqualified under the Housing Act 1996 S.160A (these include people from abroad who are ineligible for an allocation of housing).

- People who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless he or she is of a class prescribed by regulations made by the Secretary of State or is already a Secure or Introductory tenant or an Assured tenant of housing accommodation allocated to him by a local housing authority.

- People who are excluded from entitlement to Housing Benefit by section 115 of the Immigration and Asylum Act 1999 (c.33) (exclusion from benefits).

- Other classes of persons from abroad who are ineligible for an allocation of accommodation, as may be prescribed by the Secretary of State.
• Applicants who are not deemed to be habitually resident in the CTA (Common Travel Area) or EEA (European Economic Area)

• Persons who have been sponsored, or have sponsored another person, to enter this Country within 5 years of the date of application and where the sponsor is still alive.

• Persons who are adequately housed and have no housing need.

• Existing tenants of any Local Authority or Housing Registered Social Provider.

• Persons who have been placed in accommodation in the Borough by another Local Authority.

• Applicants who are owners/owner occupiers of property. Applicants who have owned a property in the last five years will need to provide proof of equity from the sale of the property before being considered from their new address. If equity plus current income shows no financial hardship, then the applicant will be advised to purchase or rent accommodation. In order that priority is given to those without a home or adequate facilities, owner occupiers will be advised to repurchase by trading down. If their property requires improvement, they will be referred to the Environmental Health Team/Unit for assistance with an Improvement Grant.

• Person/s who have, held a tenancy with a Registered Housing provider, within the previous five years from date of application, and have given up that tenancy or have been evicted from that tenancy.

• Former tenants who have purchased a Council/Housing Association property through the “Right To Buy”/”Right to Acquire” provision (jointly or otherwise), or moved through a Cash Incentive Scheme.

• Persons who have a history of rent arrears at any accommodation within the previous five years from date of application.

• Persons who have been granted a deposit loan to secure accommodation in the private sector and have not maintained payments will not be nominated for a property until the loan has been repaid and as such will not be eligible to join the Housing Register.

• Persons who are admitted to Hospital and the Royal Borough of Windsor and Maidenhead was not their last address for 2 years prior to that stay/admission.

• Persons who have no local connection to this Authority. (see 5.1)

• Persons who have been guilty of anti-social behaviour who have either had a Possession Order sought, or where the Authority believes that the behaviour would lead to a Possession Order being granted if that person or their household were a tenant, and that behaviour has taken place anytime in the 5 years prior to application.

• Persons who have physically assaulted a member of staff.

• Persons who knowingly give false or misleading information, or withhold information which has been reasonably requested.
5.3 Those who can apply

- Those people who have both a local connection and a demonstrable housing need.
- Those people who are aged 18 years of age and over. (16 and 17 year olds to whom the Council owes a duty will be assessed outside this Housing Register).
- Applicants aged 60 years or more who are resident outside the Royal Borough of Windsor and Maidenhead (providing they are not owner occupiers), and they have a son or daughter who currently lives in the Borough and has done so for the previous 5 years.
- Owner occupiers of mobile homes or houseboats will be admitted to the Housing Register, if they can supply evidence that the value of the property will not allow them to sell and purchase or rent a home more suited to their needs.
- Persons in Hospital, whose last settled address (prior to hospital admission) was, for a period of 2 years, within the Royal Borough of Windsor & Maidenhead.
- Persons in H.M.Forces accommodation.
- Persons who have left HM Forces within 5 years of the date of their application.
- Persons who the Council considers should be eligible persons on a case by case basis because of exceptional circumstances or special needs.
- Those people who wish to apply for Shared Ownership options.
- Those people who are recognised Key Workers.
- Other applicants who are eligible by law.

The Council is however unable to assist all of those who qualify for registration. Only those cases admitted to the list will be eligible for rehousing, but admittance does not guarantee a nomination as priorities are determined by the points system.
Part 6

6. Qualification

Applications to join the Housing Register will be assessed and an application will fall into one of three bands:

**Band A:** Urgent requirement to move with the greatest housing need (Reasonable Preference AND Additional Preference)

If your application is assessed as Band A – Your requirement for housing is more urgent. Each household in this Band will be considered initially on housing need points, where a situation arises that there is more than one applicant at the same points level then the applicants will be dealt with in date order.

**Band B:** Requirement to move with a lesser housing need (Reasonable Preference OR Additional Preference)

If your application is assessed as Band B – Each household in this Band can be considered on housing need points.

**Band C:** Desire to Move

If you are assessed in this Band with no housing need you will not be admitted to the Housing Register. You will be offered Housing Options advice and your details can be passed to the Private Sector Team for consideration for any suitable private sector property. You will not be given priority for a private sector offer before any applicant in Band A or Band B or any applicant who is resident in interim or temporary accommodation provided by this Authority.

All applicants both existing and new will be assessed in line with this policy. Any applicants who are assessed at Band C will be offered housing advice about their housing options, if a new applicant they will not be admitted to the Housing Register. Any existing applicants who are moved to Band C will be contacted over the forthcoming months and offered a housing options interview before any application is removed from the Housing Register.

7 Assessment

7.1 Reasonable Preference

- a) Reasonable Preference will be given to the following categories of applicants: Those applicants who have been accepted as statutorily homeless and are owed the full homelessness duty under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) & the Localism Act 2011.

- b) Those applicants who have been assessed as statutorily overcrowded and where Environmental Health has served Abatement Notices on the landlord.

- c) Those applicants who occupying insanitary, overcrowded or otherwise unsatisfactory accommodation as defined by the Environmental Health Service. Overcrowded for the purposes of this policy means two bedrooms or more deficient.

- d) Those applicants who need to move on medical or welfare grounds. Consideration of medical details will only be given for those applicants who are eligible for local connection points. If housing is required because of ill
health or disability, proof of the medical condition should be submitted. As necessary. Applicants should be advised that the Council cannot pay for information supplied and applicants are advised not to approach their GP or consultant to provide their medical reports unless this has proved necessary.

e) Those applicants who need to move to a particular locality within the district to avoid hardship to themselves or others at the discretion of the Head of Strategic Commissioning for Adult Social Care and Housing.

7.2 **Additional Preference**

Additional preference will be given to the following categories of applicants:

a) Those applicants who have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person’s spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service.

b) **Overriding medical need.** An overriding medical need can be assessed in cases where there is a serious illness or disability which is made significantly worse by the applicants current living conditions, or the accommodation is no longer suitable for medical reasons and urgent rehousing is required. Such cases may be assessed as an additional preference and placed in the relevant band. All other cases where current accommodation cannot be adequately adapted for the applicant’s disability needs will be considered less urgent.

c) **Special Needs cases** (an individual assessment of need will be made).

d) **Racial harassment and other serious cases of harassment.**

e) **Social problems** (an individual assessment of need will be made).

f) **Environmental problems.**

g) Households who have been approved by RBWM to foster or adopt and have an existing record of adopting or fostering for not less than 2 years.

h) **Are training (after a period of unemployment) in the Borough through an employer or educational establishment as re-skilling or training to return to full time employment.**

i) **Are establishing a business or social enterprise within RBWM and have been employed for a period of 2 years.**

j) **Is a long term volunteer with continuous service within RBWM’s charities or non profit organisations for a period of more than two years and actively engaged in volunteering both at the time of application and at time of any nomination.**

Admission to Band A will be at the discretion of the Head of Strategic Commissioning for Adult Social Care and Housing, and subject to availability of accommodation, cases will be nominated for a suitable property within twelve months of being placed in Band A. Refusal of a reasonable offer of accommodation may result in the case being removed from Band A. All cases will be reviewed six monthly.

**Applicants who are not eligible for local connection points will not be afforded any preference on the Royal Borough’s Housing Register and will be excluded from joining the Housing Register.**
8. **Housing Need Points**

8.1 **Points Schedule**

- **BEDROOM DEFICIENCY**
  - **10 POINTS** for 1 bedroom deficient.
  - **20 POINTS** thereafter for each bedroom lacking

- **LACK OF FACILITIES**
  - **10 POINTS**

- **SHARING ACCOMMODATION WITH RELATIVES**
  - **15 POINTS**

- **SHARING ACCOMMODATION WITH NON RELATIVES**
  - **25 POINTS**

- **VALID NOTICE TO QUIT**
  - **10 POINTS**

- **POSSESSION ORDER**
  - **40 POINTS**

- **TEMPORARY ACCOMMODATION PER MONTH**
  - **25 POINTS**

8.2 **Insecure Accommodation**

The Council has a statutory duty to applicants who are threatened with homelessness to give advice and assistance to help them to obtain accommodation. However, under the point’s scheme, the applicant may be registered on the list and points awarded for insecurity of tenure:

- Where a valid Section.21 notice (Notice to Quit) has been served. **10 points**
- Where a valid Section.21 notice (Notice to Quit) is served to terminate a family/friend Licence where that notice is for 2 months. **10 points**
- Where the Landlord has been awarded a Possession Order through the Court. **40 points**

These points will only be awarded whilst there is a threat of homelessness and are cumulative.

Section.21 (Notice to Quit) points will only be awarded where the notice is a valid notice as regards a tenancy, or where there is a reasonable and definable notice period for a licence.

Section.21 (Notice to Quit) points will be reviewed 28 days after the end of the notice period. If no Possession proceedings have been initiated the allocated Section.21 points will be removed.

Where a Section.21 (Notice to Quit) is received from family members, mediation will be offered.

If a reasonable offer of accommodation is refused by a person who has insecurity of tenure points, these points will be removed.

Applicants who have deliberately worsened their situation i.e. by moving to less adequate accommodation, by introducing family or friends into their household or by giving up secure accommodation without showing good reason, will not receive any points associated with housing need and or insecurity of tenure. Each case will be individually assessed. This will
preclude any applicant being afforded reasonable preference or additional preference on the Housing Register.
If homeless applicants with a priority need are placed in temporary accommodation by the Council, points will be awarded on a monthly cumulative basis to reflect the length of time spent in temporary accommodation. No other points will be applicable to these applicants. In addition only one reasonable offer of suitable accommodation will be made when sufficient points are accumulated, and this may be in any area.

**PLEASE NOTE:** No other points will be awarded in such circumstance, and if an applicant vacates temporary accommodation, the points will be removed and the case re-assessed to take into account the new position.

Allocation of any property will be made with regard to the prevailing priorities and supply of accommodation any time and the Head of Strategic Commissioning for Adult Social Care and Housing will retain discretion to set those priorities.

### 8.3 Who can be considered part of the household

Persons who are part of the household at the date of registration and remain in occupation.

**Partners**

A partner who is living in a permanent relationship with the applicant and can prove that they have done so for at least 12 months, or are married. This includes mixed gender and same sex couples, whether or not they are married or in a civil partnership.

**Children**

Children born since the registration date and dependant children (under 18) joining the household, where it can be proved that the homeseeker is the sole legal guardian and there is no other option to accommodate that child.

**Dependants**

A dependant relative who has joined the household because they are unable to live independently and there are no other options for the family, e.g. their extended relative owns a property or occupies a property large enough to accommodate the family. Advice will be sought from the Medical Advisor on whether the relative needs to live with the family. Where this is not considered essential, other options, such as sheltered housing will be discussed with the family before a decision is made by the Head of Strategic Commissioning for Adult Social Care and Housing, as to whether the relative should be included in the application or advised to make a separate Housing Register application.

**Separation**

If the applicant and partner are separating, they must provide evidence of who is legally allowed to remain in the property, such as a Court Order detailing to whom the property is assigned. Accommodation for children will be allowed with only one parent, on whom the children are dependant.

**Family Members who are not currently living with the Applicant**

If members of the immediate family live abroad, they can be included on the application, but the Council will not consider these members unless they have the right to reside in the UK and are not sponsored to enter the UK.

If members of the immediate family live elsewhere in the UK, they can be included on the application but we encourage families to consider applying to be rehoused where they live, especially if the demand for housing is lower there.
8.4 Bedroom Deficiency

The previously mentioned bedroom requirements are applied when assessing bedroom deficiency, and the Council considers that a separate bedroom is appropriate for the following:

- A couple living together
- A single parent
- Two children of opposite gender can share one room whilst both are under 10 years of age
- Two children of the same gender can share one room until one reaches 16 years of age

The number of bedrooms used by the applicant is compared with the number they need. However, the Council will consider the actual use of all available space in the home. No points will be awarded where the applicant is making poor use of available accommodation.

For one bedroom lacking other than a single person 10 points
For each additional bedroom lacking 20 points

A single person will not be considered to be lacking a bedroom as they would be appropriately accommodated in bedsit accommodation.

<table>
<thead>
<tr>
<th>Size of Household</th>
<th>Size of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Person</td>
<td>Studio/Bedsit</td>
</tr>
<tr>
<td>A couple without children</td>
<td>1 Bedroom</td>
</tr>
<tr>
<td>Two adults of the same sex and generation for example, flat sharers, or two siblings</td>
<td>2 Bedrooms</td>
</tr>
<tr>
<td>A couple expecting a child or with a child, including an adult son and daughter</td>
<td>2 Bedrooms</td>
</tr>
<tr>
<td>A couple with two children of the same sex</td>
<td>2 Bedrooms</td>
</tr>
<tr>
<td>Two adults of opposite sex who do not live as a couple, for example, brother and sister</td>
<td>2 Bedrooms</td>
</tr>
<tr>
<td>A couple with two children of opposite sex both under ten</td>
<td>2 Bedrooms</td>
</tr>
<tr>
<td>A couple with two children of opposite sex one of whom is over ten</td>
<td>3 Bedrooms</td>
</tr>
<tr>
<td>A couple with three children</td>
<td>3 Bedrooms</td>
</tr>
<tr>
<td>A couple with four children (all of the same sex or two of each sex)</td>
<td>3 Bedrooms</td>
</tr>
<tr>
<td>A couple with four children (three of one sex and one of the opposite sex)</td>
<td>4 Bedrooms</td>
</tr>
<tr>
<td>A couple with more than four children</td>
<td>4 Bedrooms</td>
</tr>
</tbody>
</table>
8.5 **Inadequate Accommodation**

Where facilities are lacking or shared, points are awarded according to the following table:

- Sharing any facilities with relatives: 15 points
- Sharing any facilities with non-relatives: 25 points

(Facilities being kitchen, bathroom including toilet and/or living room).

Single applicants aged under 35 years will not receive points for sharing accommodation or for lack of Living Room.

**8.6 Sheltered Housing Register**

**Housing for persons over 60 years**

**Eligibility**

Applicants for Sheltered Housing must be over 60 years of age.

Applicants are not necessarily required to have a housing need, but applications will be pointed in accordance with the General Needs points system.

Those persons who are over 60 years who apply for any other type of housing will be assessed in accordance with the General Needs Policy.

The Housing Association will ensure that applicants fully understand the service provided by Sheltered Housing, the role of the Sheltered Housing Manager and to deal with any other concerns they may express.

The Sheltered Housing Manager does not provide any nursing service other than in an emergency when First Aid cover will be made available.

Applicants must be able to care for themselves adequately.

**Elderly residing above ground floor and requesting Sheltered Accommodation**

Where applicants over the age of 60 years live above the ground floor and there is no lift. (Living in a basement counts as one floor up). 5 points

Per floor higher than first 2 points

*Isolation* – Dependent on “individual” circumstances e.g. no easy access to relatives, transport or other facilities. 10 points

Nominations to any schemes designed as Elderly Extra Care accommodation will be made following an assessment of care needs by Adult Social Care, and owner occupiers along with other applicants may be actively considered subject to a suitable care plan being in place.
9 Offer and Refusal

An offer of accommodation can be:

- An Assured Shorthold introductory tenancy for a fixed term of 12 months, followed by an Assured tenancy at a social rent.

- An Assured Shorthold introductory tenancy for 12 months followed by a fixed term tenancy of no less than two years at a rent which is 80% of market rent.

- An Assured Shorthold introductory tenancy for 12 months followed by a fixed term tenancy of no less than 2 years.

- An affordable good quality private sector property for a period of no less than 12 months.

- Applicants are entitled to two reasonable offers of accommodation. An offer is deemed reasonable where it is of the correct bed and person size based upon the housing application and within an area selected by the applicant. However any applicant who has been placed in Band A will receive one offer of suitable affordable accommodation in any area which will address their housing need.

- If an applicant refuses an offer they will be asked to explain the reason in writing. If the reason is due to exceptional or unusual circumstances the offer may be deemed to be unreasonable, and not counted. The offer will not be deemed unreasonable if the Authority was not made aware of certain facts and requirements prior to offer.

- If the offer is held to be reasonable, the applicant will be given 48 hours to reconsider.

- If the first reasonable offer of accommodation is refused and the applicant is in Band A the applicant will be entitled to a second offer but the application will be moved to Band B. However:

  - If the first offer was made to an applicant with insecurity of tenure points, these will be removed and no further insecurity of tenure points will be awarded from that address.

  - If a total of two reasonable offers are refused, the application will be removed from the list.

  - Applications will be removed from the Housing Register if it is found that it has never been or it has ceased to be an eligible application. Applicants are required to re-register annually. Applications will be removed if the applicant fails to re-register or if the Authority considers there are good reasons for removal.

  - A statutorily homeless applicant will be entitled to only one offer of accommodation anywhere in the Borough. Where that offer is refused the Council will consider it to have discharged its statutory duty and where applicable, the provision of temporary accommodation will be withdrawn.
Keyworker Housing

To qualify for Key Worker accommodation, applicants must be eligible for inclusion on the Housing Register in all respects other than Local Connection criteria in the Borough. Applicants must be working in a permanent full-time position in one of the following sectors: Education, Health, Police, Fire, Social Services, and some other key public and voluntary services and public sector agencies.

Keyworker applications will be held separately no banding will be applied and no housing need points will be applicable.

The Zone agent for Keyworker Accommodation is Catalyst who hold a register of keyworker properties and keyworker applicants. In order to register with Catalyst an applicant must be eligible for consideration by RBWM.

Shared Ownership

To qualify for Shared Ownership, applicants must be eligible for consideration by RBWM, however Housing Association tenants currently resident in the Borough may apply for Shared Ownership. Applicants must be first time buyers or purchasing for the first time in their own right.

The Zone agent for Shared Ownership Accommodation is Catalyst who hold a register of Shared Ownership properties and Shared Ownership applicants. In order to register with Catalyst an applicant must be eligible for consideration by RBWM.

The criteria for eligibility to be referred to shared ownership schemes is subject to variances where schemes have differing requirements. Do it yourself shared ownership (DIYSO) is subject to funding availability.

Shared Ownership applications will be held separately no banding will be applied and no housing need points will be applicable.
12 How to Apply

12.1 Application Form
An application form is available at www.rbwm.gov.uk which can be downloaded or a form can be collected from the Town Hall at Maidenhead or York House in Windsor. Telephone 01628 683 800 to request a form to be sent to your current address. Following receipt and processing of an application, applicants will be informed in writing of the decision which has been made regarding their application, in accordance with this policy. If an application does not meet the greater preference, or the additional preference criteria the applicant will be offered an interview with the Housing Options Team to explore how their current housing situation can be improved.

Online applications will be available by April 2014

13 New Housing Developments

Nominations to new Housing Association developments will ensure that a mix of lettings occur from both the Royal Borough of Windsor & Maidenhead’s Housing Register and existing Housing Association tenants who are Housing Registered for a transfer. Individual lettings plans will be agreed with the Association for each development at the time of first letting.

14 Corporate Priorities

In order to address priorities of this Authority, 16 nominations to Housing Associations will be allocated by Children and Adult Social Care to criteria set annually by those services and the Head of Strategic Commissioning for Adult Social Care and Housing.

15 Exceptional circumstances

In consideration of exceptional circumstances the Head of Strategic Commissioning for Adult Social Care and Housing has discretion to allow admittance of applicants.

16 Equal Opportunity Policy

The Royal Borough of Windsor & Maidenhead is committed to ensuring that no customer of housing services receives less favourable treatment on the grounds of race, colour, creed, nationality, ethnic or national origins, or are placed at a disadvantage by conditions or requirements that cannot be shown to be justified. Consequently applicants will be asked their ethnic origin on the application form and this will be recorded in the Council’s Housing Need computer system. The information provided will allow the Council to ensure that fairness is being exercised in its policies.
17 **Reviews of Decisions**

Applicants who are refused entry to the Housing Register, and those who are removed from it following a decision by the Council have a statutory right to request a review of the decision. The Council will notify affected applicants of the Council’s decision and of their rights, and a request for review must be made within 21 days of the written notification.

18 **Quarterly statistics**

Quarterly statistics will be posted on the website showing the numbers and type of nominations made during the course of that quarter.

19 **Fraud Prevention**

Section 171 makes it an offence for anyone seeking assistance from a housing authority under Part 6 of the 1996 act to:

- Knowingly or recklessly give false information, or
- Knowingly withhold information which the housing authority has reasonably required the applicant to give

It is important for Royal Borough of Windsor and Maidenhead to protect scarce housing resources and any applicant seeking to obtain housing by making false or misleading statement or failing to inform the Council of a material fact relevant to the outcome of their application, or a change in circumstances, will have their application immediately cancelled. The Council will not hesitate to prosecute any household who has either been allocated a home or applied for a home by using false or fraudulent information.