

Report to the Cabinet

Report reference: C-039-2017/18
Date of meeting: 1 February 2018



Portfolio: Housing

Subject: Review of the Housing Allocations Scheme

Responsible Officer: Roger Wilson (01992 564419).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the Cabinet accepts the recommendations of the Communities Select Committee in its report attached at Appendix A;**
- (2) That the Cabinet agrees one change to the draft Scheme (in response to comments made by Nazeing Parish Council) following the outcome of the consultation exercise with the Tenants and Leaseholders Panel, local residents, partner agencies, Parish and Town Councils and Housing Association partners as set out at Appendix B;**
- (3) That the Cabinet agrees the four changes made to the Housing Allocations Scheme (subsequent to consideration by the Communities Select Committee) in accordance with the advice received from the external legal advisor which are set out at Appendix C;**
- (4) That under the penalties for refusals of offers of accommodation (Paragraph 18.9 of the Scheme refers) the numbers of offers within any period before penalty applies, be increased from three to four for existing tenants of the Council who are under-occupying accommodation and wishing to move to smaller Council accommodation with their application being deferred for a period of twelve months; and**
- (5) That the Housing Allocations Scheme be reviewed again by the Communities Select Committee after 3 years of operation.**

Executive Summary:

The Cabinet is being asked by the Communities Select Committee to accept its recommendations set out in their report attached at Appendix A and adopt the Council's revised Housing Allocations Scheme. The target date for the revised Scheme to come into force is 1 July 2018.

The Council has consulted on the draft revised Scheme, and sought external legal advice. The table attached at Appendix B to the report sets out the responses to the consultation. A further table at Appendix C sets out four further changes made in accordance with the advice of the external legal advisor. The Cabinet are further asked to consider the level of penalties to be applied to Council tenants who are downsizing to smaller Council accommodation.

Reasons for Proposed Decision:

To ask the Cabinet to accept the recommendations of the Communities Select Committee and adopt the revised Housing Allocations Scheme, subject to four further changes made in accordance with the advice of the external legal advisor at Appendix C. To ask the Cabinet to consider the level of penalties to be applied to tenants of the Council who are downsizing to smaller Council accommodation.

Other Options for Action:

- (i) Not to agree the recommendations of the Communities Select Committee.
- (ii) To make alternative changes to the draft Housing Allocations Scheme.

Report:

1. The Cabinet is being asked by the Communities Select Committee to accept its recommendations set out in their report which, they have presented to the Cabinet and is attached at Appendix A and adopt the Council's revised Housing Allocations Scheme.
2. Since the revised Scheme was considered by the Committee, there have been some issues which have arisen which the Cabinet needs to be aware of which are set out in this report.

Penalties for Refusals of Offers of Accommodation

Background

3. Under the current Scheme (Paragraph 18.8 to 18.9 refers), any home seeker who refuses **two** offers of suitable accommodation for which they have expressed an interest within any period will have their application deferred for a period of twelve months.
4. Any tenant of the Council who is under-occupying and is wishing to move to smaller Council accommodation, who refuses **three** offers of suitable accommodation for which they have expressed an interest within any period, will also have their application deferred for a period of twelve months. Under the current Scheme, in 2016/2017, 130 applicants refused one offer of accommodation with 15 being penalised for refusing two offers of accommodation.
5. The initial views of Cabinet Members was that under the revised Scheme any applicant who refuses **two** suitable offers of accommodation in any period will have their application deferred for an increased period of 2 years which the Committee has recommended.
6. The Committee further recommended that any tenant of the Council who is under-occupying accommodation and is wishing to move to smaller Council accommodation, who refuses **three** offers of suitable accommodation for which they have expressed an interest within any period, should have their application deferred for a period of **twelve months** as with the current Scheme. This is in order to continue to encourage tenants to downsize. Furthermore, it would enable a Secure (fixed-term) Tenant who is under-occupying and nearing the end of their tenancy term to downsize more easily and remove the need to take enforcement action at the end of their tenancy. It was also recommended that any refusals prior to when the revised Scheme comes into force on 1 July 2018 be disregarded.

7. However, some Cabinet Members who attended the Committee's meeting asked that the Cabinet further considered whether more opportunity for choice should be given to existing tenants of the Council who are under-occupying and wishing to move to smaller Council accommodation. The Housing Portfolio Holder is therefore recommending that, the number of refusals before any penalties are imposed for applicants downsizing in these circumstances be increased from three to four with the deferment period remaining at 12 months. It is considered that increasing to five in accordance with the views of the Tenants and Leaseholders Panel (set out at Appendix B) would have a detrimental effect on void re-let times and void rental loss.

8. It recommended to the Cabinet that target date for the revised Scheme coming into force is 1 July 2018, subject to any delays due to the necessary implementation arrangements which includes:

- Writing to around 1,400 home seekers on the Housing Register, explaining that they must re-register on-line giving a final deadline for re-registering after which they will be removed from the list;
- Re-designing the on-line application form to ensure it complies with the new policies;
- Working with the Council's Choice Based Lettings system administrator Locata Housing Services (LHS) to ensure the system meets with the requirements of the revised Scheme; and
- Monitoring all qualifying home seekers, contacting those who fail to re-register to ensure that the following advice/assistance is given to either vulnerable applicants or those who do not have access to a computer:
 - (a) Assistance from staff for home seekers to re-register on line; and
 - (b) Carefully monitoring all qualifying homeseekers who fail to register, with particular attention to those homeseekers on the Council's "Vulnerable List" (where staff already assist with placing bids on their behalf), to ensure they have re-registered, carrying out home visits where needed.

Consultation on the Housing Allocations Scheme

9. The table attached at Appendix B to the report sets out the responses to the consultation.

10. The Communities Select Committee was advised that, following its consideration, the draft Housing Allocations Scheme will be considered by an external Legal Advisor, Stephen Knafler QC who recommended four changes be made to the Scheme which were incorporated in the draft document, he stated that otherwise in his opinion the Housing Allocations Scheme is lawful. The four changes are set out at Appendix C.

Resource Implications:

Within existing resources.

Legal and Governance Implications:

As set out at Paragraph 1.2 on Page 2 of the draft Housing Allocations Scheme.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

As set out in the report.

Background Papers:

Legal Advisor's report

Report to the Communities Select Committee – Annual Review of Protected Characteristics – Home seekers and Lettings

Risk Management:

No risks have been identified particularly as the draft Scheme has been found to be lawful in the opinion of Stephen Knafler QC subject to his four suggested changes. Should any be identified in the future normally due to the outcome of any possible legal challenges, these will be reported to the Housing Portfolio Holder or the Cabinet depending on their importance or will be taken into account as part of the review after 3 years of operation of the Scheme.

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix D.

Report of the Communities Select Committee

Report to the Cabinet

Report reference: C-nnn-2017/18

Date of meeting: 1 February 2018



Portfolio: Housing - Councillor Syd Stavrou

**Report of Communities Select Committee
(Chairman – Councillor Yolanda Knight)**

Subject: Review of the Housing Allocations Scheme

Responsible Officer: Roger Wilson (01992 564419).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) That, subject to any subsequent decision of the Cabinet following consideration of the matters set out at (a) to (c) below, the proposed revised Housing Allocations Scheme (attached at Appendix 4) be adopted with effect from the target date of 1 July 2018, which includes the proposed changes set out in Appendices 1,2,& 3 of the report;

- (a) The outcome of the consultation with the Tenants and Leaseholders Panel, local residents, partner agencies, Parish and Town Councils and Housing Association Partners;
- (b) The advice of the external Legal Advisor; and
- (c) The Cabinet's decision on the numbers of offers made within any period before a penalty applies to existing Council tenants downsizing to smaller Council accommodation.

Executive Summary:

1. At our meeting on 5 September 2017, we considered a report on the review of the Housing Allocations Scheme. The current Scheme came into force on 27 July 2015.

2. We were asked to give detailed consideration to the revised Scheme having regard to the initial informal views of Cabinet Members, which we have now done. We are therefore submitting this report and a copy of the draft Scheme to the Cabinet for consideration.

Reasons for Proposed Decision:

To adopt the proposed revised Housing Allocations Scheme as recommended by our Select Committee, subject to any further decisions of the Cabinet following consideration of the Housing Portfolio Holder's report prior to the adoption of the final Scheme.

Other Options for Action:

1. Not to agree the changes to the Council's Housing Allocations Scheme recommended by our Committee.
2. To agree different changes to those recommended by our Committee, following consideration of the Housing Portfolio Holder's report.

Report:

1. At our meeting on 5 September 2017, our Committee considered a report on the review of the Housing Allocations Scheme. The current Scheme came into force on 27 July 2015.
2. We were advised that the Council is legally required to have a Housing Allocations Scheme for determining priorities and the procedure to be followed in selecting a person for Council accommodation, or nominating a person to be a tenant for accommodation held by another Registered Provider of social housing (e.g. housing association).
3. Under Government Guidance, authorities are given powers to decide locally how accommodation should be allocated based upon local priorities. We therefore noted that authorities are empowered to allocate their accommodation in any way they see fit, provided schemes are both legal and rational.
4. The Housing Portfolio Holder advised us that she had held informal discussions with Cabinet colleagues to seek their initial views on the review. She considered this essential, as it gave guidance on how Cabinet Members felt the Scheme should be drafted, potentially saving a great deal of officer and Member time. The background on each of the issues, the initial views of Cabinet Members and the recommendations of our Panel are set out at Appendix 1.
5. Having given detailed consideration to the draft Scheme presented to us by officers, we are submitting this report to the Cabinet for consideration. A copy of our proposed draft Scheme which incorporates the proposed changes set out at Appendices 1, 2 & 3 is attached at Appendix 4. The current Scheme and a copy of Government Guidance, *Allocation of accommodation: guidance for local authorities in England (DCLG June 2012)* and *Providing Social Housing for Local People (DCLG December 2013)* has been circulated to Cabinet Members separately for the Cabinet meeting.
6. We understand that a consultation exercise will be undertaken on the draft Scheme, the outcome of which will be reported to the Cabinet for consideration at the same time as considering this report. In addition, Cabinet Members who attended our meeting requested that the Cabinet gave consideration to reducing further the penalties to be applied to existing Council tenants downsizing to smaller Council accommodation. Furthermore, the draft revised Scheme has been referred to an external Legal Advisor Stephen Knafler QC. The Housing Portfolio Holder will be reporting on these matters which the Cabinet should take into account, and consider any possible subsequent decisions prior to adopting the final Scheme.
7. We recommend that the revised Scheme be introduced with effect from a target date of 1 July 2018.

8. Finally, we are suggesting to the Cabinet that an item be included in our Work Programme for 2021/2022, to review the Scheme again after 3 years of operation, and to submit a report to the Cabinet on the outcome of its review and any recommended changes.

Resource Implications:

Within existing resources

Legal and Governance Implications:

As set out at Paragraph 1.2 on Page 2 of the draft Housing Allocations Scheme at Appendix 4 of the report

Safer, Cleaner and Greener Implications:

None

Consultation Undertaken:

A consultation exercise has been undertaken with the Tenants and Leaseholders Panel, local residents (invited on the Council's website), partner agencies, Parish and Town Councils and Housing Association Partners, The comments received to the consultation exercise will be reported to the Cabinet by the Housing Portfolio Holder.

Background Papers:

None

Impact Assessments:

Risk Management

No risks have been identified. Should any be identified in the future normally due to the outcome of any possible legal challenges, these will be reported to the Housing Portfolio Holder or the Cabinet depending on their importance or will be taken into account as part of the review after 3 years of operation of the Scheme.

Equality Analysis

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. The Housing Portfolio Holder will be reporting on other matters regarding this report asking the Cabinet to take these into account prior to adopting the final Scheme. The equality information is provided at Appendix D to the Housing Portfolio Holder's report. The equality information provided is essential reading for all members involved in the consideration of the report.

The following paragraphs set out under each issue the background, the initial views of Cabinet Members' and the suggested recommendations of our Committee.

Residency Criteria

Background

1. Under one aspect of the current Local Eligibility Criteria of the Scheme (Paragraph 14.3 refers), in order to join the Council's Housing Register an applicant must have been resident in the District for **five** continuous years.

The initial views of Cabinet Members

2. That the Residency Criteria be increased, with any new applicant who has lived in the District for less than **seven** continuous years immediately prior to their date of registration, not qualifying for inclusion on the Council's Housing Register.

Statistical information

3. The residency criteria of some other councils in Essex are set out in the table below:

Council	Residency Criteria
Brentwood Borough Council	6 out of the last 12 months or 3 out of the last 5 years; or Close family connection with a person in the area for more than 5 years
Broxbourne Borough Council	5 Years
Chelmsford City Council	6 out of the last 12 months or 3 out of the last 5 years; or Close family connection with a person in the area for more than 5 years
East Herts District Council	No residency criteria, however, points based system in operation with any person having no residency scoring low

Council	Residency Criteria
Harlow District Council	5 years; or Have immediate family who have lived in the District for 5 years
Uttlesford District Council	3 years; or Receiving support from family members in District Been employed in the District for last 3 years

4. In addition, Cabinet Members' initial views are that all applicants already on the Council's Housing Register as at the date of the new Scheme coming into operation (proposed as 1 July 2018) should be protected from the changes to the Residency Criteria and remain on the Housing Register.

5. There are currently 1,377 applicants on the Council's Housing Register who under the current Scheme already have 5 years residency. Of these 968 applicants (at the time of writing) declared over 10 years, 332 between 5 and 10 years with the remaining 77 confirming over 5 years residency. However, when the revised Scheme comes into force on 1 July 2018, additional applicants who have joined the Register in the meantime with less than 7 years residency would also benefit from the protection.

Recommendation of the our Committee

6. Our Committee recommends the initial views of Cabinet Members to the Cabinet.

Financial Criteria aspect of the Local Eligibility Criteria

Background

7. Under the current Scheme (Paragraphs 14.7 to 14.10 refers), any applicant/s who, in the opinion of the Council, has sufficient funds including; annual income, residential property equity, savings, shares or other assets to enable them to meet his or her housing costs will be ineligible. The thresholds at which this criterion applies is where the annual gross household taxable income added to any; residential property, equity, savings, shares or any other assets, exceeds £76,000 Applicants are required to provide evidence of income and savings.

8. The figure was calculated when the Scheme was reviewed in 2015 based upon Government Guidance on Rents for Social Tenants with High Incomes (commonly referred to as the "Pay to Stay" Scheme) where such tenants were defined as those households with a taxable income of at least £60,000 per year. Added to this was the £16,000 savings limit for a person to be eligible for housing benefit making a total of £76,000. A household's annual taxable income is based upon an average over the three years immediately prior to the date of application.

9. Any lump sums received, as compensation for an injury or disability sustained on active service by either: members of the Armed Forces, former Service personnel, bereaved spouses and civil partners of members of the Regular Forces, or serving or former members of the Reserve Forces, is disregarded from this criterion in accordance with Government Regulations.

The initial views of Cabinet Members

10. The initial views of Cabinet Members are that the Financial Criteria should remain the same.

Statistical information

11. The financial criteria of some other councils in Essex are set out in the table below:

Council	Financial Criteria
Brentwood Borough Council	Income must be less than £60,000 with less than £16,000 in savings, investments or assets
Broxbourne Borough Council	Income must be less than £60,000 with less than £16,000 in savings, investments or assets
Chelmsford City Council	Must not be able to fund owner occupied or private rented sector accommodation
East Herts District Council	£48,000
Harlow District Council	£50,000 in income, savings or equity. Policy does not apply to existing Council tenants
Uttlesford District Council	Must not be able to fund owner occupied or private rented sector accommodation

Recommendation of our Committee

12. The initial views of Cabinet Members are recommended by our Committee to the Cabinet. Our Committee further recommends that any applicant who, in the view of the Director of Communities, has deliberately disposed of assets by means of wilful deprivation within the last 6 years will be non-qualifying.

Serious unacceptable behaviour

13. Under the current Scheme (Paragraph 14.11 refers), any person (or a member of their household) who, within the previous 3 years, has been guilty of serious unacceptable behaviour sufficient in the opinion of the relevant Area Housing Manager to make them unsuitable as a tenant of the Council will be ineligible. Such behaviour is behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure, Assured or Flexible (fixed-term) Tenant and includes:

- Serious rent arrears (including housing benefit and Court cost arrears);
- Other breaches of tenancy conditions including damage and neighbour nuisance amongst others;
- Previous proven social housing fraud; or
- Proven offences under the Anti-Social Behaviour; Crime and Policing Act 2014 or any other relevant legislation in force at any time

The initial views of Cabinet Members

14. That any person who has been guilty of serious unacceptable behaviour be ineligible for an increased period of 7 years being the same period as the suggested revised Residency Criteria.

Recommendation of our Committee

15. In accordance with Cabinet Members' initial views, the Committee recommends to the Cabinet that the period of ineligibility for any person found to be guilty of serious unacceptable behaviour as set out under the Scheme be increased from 3 to 7 years.

Penalties for refusals of offers of accommodation

Background

16. Under the current Scheme (Paragraph 18.9 to 18.10 refers), any home seeker who refuses **two** offers of suitable accommodation for which they have expressed an interest within any period will have their application deferred for a period of twelve months.

17. Any tenant of the Council who is under-occupying and is wishing to move to smaller Council accommodation, who refuses **three** offers of suitable accommodation for which they have expressed an interest within any period, will also have their application deferred for a period of twelve months.

The initial views of Cabinet Members

18. That any applicant who refuses **two** suitable offers of accommodation in any period will have their application deferred for 2 years. However, further consideration should be given at the Cabinet meeting to any lesser penalties to be applied to those under-occupying accommodation owned by the Council who are wishing to move to smaller accommodation owned by the Council.

Statistical Information

19. Under the current Scheme, in 2016/2017, 130 applicants refused one offer of accommodation with 15 being penalised for refusing two offers of accommodation.

Recommendation of our Committee

20. Our Committee recommends that any home seeker who refuses **two** offers of suitable accommodation for which they have expressed an interest within any period have their application deferred for a period of 2 years.

21. However, we further recommend that any tenant of the Council who is under-occupying and is wishing to move to smaller Council accommodation, who refuses **three** offers of suitable accommodation for which they have expressed an interest within any period, should have their application deferred for a period of **twelve months** with no change being made. This is in order to continue to encourage tenants to downsize. Furthermore, it would enable a Secure (fixed-term) Tenant who is under-occupying and nearing the end of their tenancy term to downsize more easily and remove the need to take enforcement action at the end of their tenancy.

22. Our Committee also recommends that any refusals prior to when the revised Scheme comes into force on 1 July 2018 be disregarded.

Homeless Applicants

The initial views of Cabinet Members

23. That homeless applicants continue to be made one offer of suitable accommodation after receiving their S.184 decision letter, generally in flatted accommodation (including maisonettes). However, in order to discharge its main homelessness duty, the Council will offer homeless applicants a 2 year Secure Fixed-Term Tenancy to give some temporary stability in order to prepare them to make their own arrangements thereafter. The Council will retain its duty to help [provide Housing Advice and Assistance to] the applicant if under the Assessment Criteria applied at the end of the fixed-term it is established that they have become unintentionally homeless.

24. The Council has sought Legal Advice from Stephen Knafler QC on this suggested change who advised the Council on the lawfulness of its Schemes under the last two Reviews. He advises that the Council can discharge its duty by offering an applicant a fixed-term tenancy as this would be an offer of accommodation under the Housing Act 1996 as amended by the Homelessness Act 2002, provided the offer is suitable. He further points out the issues around any applicant who is housed in this way that may become unintentionally homeless, hence the statement that the Council will retain its duty to help [provide Housing Advice and Assistance to] the applicant if they become unintentionally homeless at the end of the period.

Recommendation of our Committee

25. The initial views of Cabinet Members are recommended to the Cabinet by our Committee.

Applicants living in supported housing

Background

26. Under the current Scheme (Paragraphs 1.4 to 1.5 at Appendix 4 refer), vulnerable homeless applicants to whom the Council does not owe the full homelessness duty, who have been placed under the Council's Homelessness Prevention regime at either the:

- S.A.F.E. (Single Accommodation for Epping Forest "NACRO") Project;
- Young Parent Scheme at Railway Meadow, Ongar
- Supported housing scheme for vulnerable adults at Tolpuddle House, Ongar
- Supported housing scheme at Elm Court, Theydon Bois
- NACRO scheme for those with mental health issues
- Young parent and child scheme at Bartletts, Chelmsford

have a lesser Residency Criteria than other Housing Register applicants of three years. Such homeless applicants are made one offer of suitable accommodation at the end of their stay in supported housing, generally in flatted accommodation. If the offer is refused, the Council makes no further offers of accommodation.

The initial views of Cabinet Members

27. That the current Residency Criteria for vulnerable people who are placed in supported housing schemes within the District be reduced from three years to two years in order to recognise the needs of vulnerable groups.

Recommendation of our Committee

28. The initial views of Cabinet Members are recommended to the Cabinet by our Committee which will assist the Council in meeting its homelessness duties.

Future Review of the Housing Allocations Scheme

The initial views of Cabinet Members

29. That the Housing Allocations Scheme be reviewed again following 3 years of operation.

Recommendation of our Committee

30. The initial views of Cabinet Members are recommended to the Cabinet by our Committee.

APPENDIX TWO – Changes to the Scheme recommended by our Committee incorporating the initial views of Cabinet Members including further changes suggested by officers

Paragraph No. and Heading	Change to the Scheme	Reason
1.2 Introduction	Additional bullet point: Homelessness Reduction Act 2017	New legislation that, from the implementation date of April 2018, requires the Council to meet a number of additional duties. Although this mainly affects the Council's Homelessness Strategy, both documents are linked
1.2 Introduction	Additional bullet point: Housing and Planning Act 2016	Under the Act, there will be major changes to the rules around Flexible (fixed-term) Tenancies. Statutory Guidance is expected in the coming months. When the Guidance is received, a further report will be submitted on changes to both the Council's Tenancy Policy and the West Essex Tenancy Strategy which are linked to the Scheme
1.3 Introduction	Amend to: "For the purposes of this Housing Allocations Scheme the definition and interpretation of "tenant" shall have the meaning of either: <ul style="list-style-type: none">• Secure Pre-Localism Act Lifetime Tenant (tenancy granted prior to 1 April 2012)• Secure Post Act Lifetime Tenant (tenancy granted after 1 April 2012)• Secure (fixed-term) Tenant• Any other tenancy arrangements set out in the Council's Tenancy Policy" And any reference to....."	Under the Housing and Planning Act Flexible (fixed-term) Tenancies will be known as Secure (fixed-term) Tenancies. Our Committee recommends that all references to Flexible (fixed-term) Tenancies are amended throughout to Secure (fixed-term) Tenancies Also, as existing Secure Lifetime Tenants are either Pre-Localism Act Tenancies or Post-Localism Act Tenancies and therefore have different rights (particularly around Succession for family members) it is important to clarify both types of tenancy
4.1 Council's policy on offering choice	Amend references to a two-weekly bidding cycle to a weekly bidding cycle Delete: "The most popular method of doing this	The Council has already moved from a two-weekly to a weekly bidding cycle Considered no longer to be relevant as this

	is by the Internet”	is now the main method of “bidding”
--	---------------------	-------------------------------------

APPENDIX TWO – Changes to the Scheme recommended by our Committee incorporating the initial views of Cabinet Members including further changes suggested by officers (continued)

Paragraph No. and Heading	Change to the Scheme	Reason
<p align="center">4.3</p> <p>Council's policy on offering choice</p>	<p>Delete reference to the Choice Based Lettings Scheme User Guide and replace with:</p> <p>“Details on how the Scheme operates are set out in the applicant’s confirmation of registration letter”</p>	<p>To clarify the change in the way home seekers are advised of how to participate in the Choice Based Lettings scheme</p>
<p align="center">7.4</p> <p>Housing Allocations Scheme</p>	<p>“The provisions of this Scheme will apply to home seekers on the Council's Housing Register at the effective date of the Housing Allocations Scheme (subject to 14.3 (g)).....”</p>	<p>This is to clarify that, if agreed, under Paragraph 14.3 (g) (referred to later) all those already registered will be protected from the change to the increased Residency Criteria</p>
<p align="center">9.1</p> <p>Flexible (fixed-term) Tenancies</p>	<p>Amend to:</p> <p>“The Council will generally grant Secure (fixed-term) Tenancies to all new tenants who sign up to a tenancy of any Council property. Any other tenancy types will be granted in accordance with either the Council’s Tenancy Policy or any subsequent legislation”</p>	<p>References to Tenancies needs to be a general statement as there is likely to be major changes when the Statutory Guidance referred to under 1.2 above is in force. The amended Paragraph will result in the Council’s Tenancy Policy setting out the policy on granting tenancies avoiding the need to amend the Scheme further should there be any further changes in tenancy law in the future</p>
<p align="center">14.3</p> <p>Residency Criteria</p>	<p>Amend to:</p> <p>“Any new applicant/s that has lived in the Epping Forest District for less than seven continuous years.....”</p>	<p>This change is in accordance with the initial views of Cabinet Members.</p>
<p align="center">14.3 (g)</p> <p>Residency Criteria</p>	<p>Amend to:</p> <p>“Were registered on the Housing Register on 30 June 2018”</p>	<p>This change is in accordance with the initial views of Cabinet Members that any applicant already on the Housing Register will be protected from the change to the increased Residency Criteria.</p>

APPENDIX TWO – Changes to the Scheme recommended by our Committee incorporating the initial views of Cabinet Members including further changes suggested by officers (continued)

Paragraph No. and Heading	Change to the Scheme	Reason
<p align="center">14.4</p> <p>Residency Criteria</p>	<p>Amend to:</p> <p>“A lesser Residency Criteria of 2 years will apply to applicants leaving Supported Housing Schemes.....”</p>	<p>This change is in accordance with the initial views of Cabinet Members who considered that vulnerable applicants should only need to meet a lesser residency criteria of 2 years.</p>
<p align="center">14.5</p> <p>Residency Criteria</p>	<p>Amend to:</p> <p>“Any resident who moves out of the Epping Forest District for less than 2 years, but has lived within the District for at least 7 continuous years immediately prior to moving out of the District, will be treated as an applicant who has lived in the District for more than 7 continuous years prior to application”</p>	<p>Our Committee recommends that the period of time for a person to live out of the District and still qualify, be reduced from 3 years to 2 years. This is in line with the homelessness legislation whereby a duty is discharged for any private sector placement (in or out of District) after 2 years. It therefore follows that if a person lives out of the area for 2 years they would sever their links with the District</p> <p>If the increase in Residency Criteria from the current 5 years is increased to 7 years this Paragraph needs to be amended accordingly</p> <p>If this Paragraph was removed and no protection was afforded it could result in an increase in homelessness as residents threatened with homelessness would be discouraged from seeking more affordable accommodation out of District</p>

APPENDIX TWO – Changes to the Scheme recommended by our Committee incorporating the initial views of Cabinet Members including further changes suggested by officers (continued)

Paragraph No. and Heading	Change to the Scheme	Reason
<p align="center">14.7</p> <p>Financial Criteria</p>	<p>Delete Paragraph 14.8</p> <p>Add new Paragraph 14.8</p> <p>“Any applicant who in the view of the Director of Communities is found to have disposed of assets by means of wilful deprivation within the last six years will be non-qualifying”</p>	<p>Our Committee agrees with the initial views of the Cabinet that the Financial Criteria is unchanged</p> <p>Our Committee recommends that Paragraph 14.8 is deleted. The calculation is no longer relevant particularly due to the Government abandoning its plans to introduce Guidance on Rents for Social tenants with High Incomes (“Pay to Stay”)</p> <p>It is suggested that any applicant who has deliberately disposed of assets to qualify for inclusion in the Scheme be non-qualifying</p>
<p align="center">14.11</p> <p>Serious Unacceptable Behaviour</p>	<p>Any person (or a member of their household) who has committed acts of unacceptable behaviour as defined under Scheme within the previous 7 years will be ineligible”</p>	<p>Our Committee agrees with the initial views of Cabinet Members that the period of ineligibility for serious unacceptable behaviour be increased from 3 years to 7 years in line with the proposed Residency Criteria</p>
<p align="center">16.3</p> <p>Definition of a Household</p>	<p>Amend to:</p> <p>“A household is either one person or two persons or more who are intending to live together at the same property offered. Applicants should only include persons on their application who have been part of their household for at least a two year period and who will occupy the accommodation.....”</p>	<p>The first sentence of the current wording is not relevant and therefore can be deleted. The amended Paragraph makes it clear that one person is also defined as a household and clarifies that the requirements of the Scheme relates to a single applicant.</p> <p>Our Committee also recommends that the current period for a person to be considered being part of a household is increased from</p>

		twelve months to two years in order to establish permanency of living arrangements and prevent applicants “manufacturing” households in order to gain additional priority
--	--	---

APPENDIX TWO – Changes to the Scheme recommended by our Committee incorporating the initial views of Cabinet Members including further changes suggested by officers (continued)

Paragraph No. and Heading	Change to the Scheme	Reason
<p align="center">18.4</p> <p>Rent Arrears</p>	<p>Amend to:</p> <p>An offer of accommodation will not be made to any home seeker who has rent arrears in excess of 4 weeks rent</p>	<p>To make the criteria clearer and easier to apply.</p>
<p align="center">18.9 & 18.10</p> <p>Penalties for Refusal of Offers</p>	<p>Amend to:</p> <p>“That subject to the circumstances in the Paragraph below, any home seeker who refuses two offers of suitable accommodation for which they have expressed an interest within any period will be non-qualifying for a period of two years.</p> <p>“Any tenant of the Council who is under-occupying and is wishing to move to smaller Council accommodation, who refuses three offers of suitable accommodation for which they have expressed an interest within any period, will be non-qualifying for a period of twelve months</p>	<p>Our Committee agrees with the initial views of Cabinet Members that the length of deferral of an application for any home seeker who refuses two offers of accommodation within any period should be increased from 12 months to two years</p> <p>However, our Committee further recommends that the current penalties for those downsizing accommodation remains. This is in order to continue to encourage tenants to downsize. Furthermore, it would enable a Secure Fixed-Term Tenant who is under-occupying and nearing the end of their tenancy term to downsize more easily and remove the need to take enforcement action at the end of their tenancy. We noted that the Cabinet may want to reconsider and reduce the penalties further for downsizers</p> <p>Our Committee also recommended that any refusals prior to when the revised Scheme comes into force on 1 July 2018 be disregarded</p>
<p align="center">19</p> <p>Redecoration Vouchers Scheme</p>	<p>Amend heading to:</p> <p>“Redecoration Vouchers Scheme for Council Properties”</p> <p>Amend second sentence to:</p> <p>“However, if a property owned by the</p>	<p>In order to clarify that redecoration allowance vouchers will only be paid to redecorate Council properties and not Housing Association properties</p>

	Council is offered and is, in the view of the inspecting officer, in need of redecoration.....”	
--	---	--

APPENDIX TWO – Changes to the Scheme recommended by our Committee incorporating the initial views of Cabinet Members including further changes suggested by officers (continued)

Paragraph No. and Heading	Change to the Scheme	Reason
<p style="text-align: center;">21</p> <p>Incentive Payments for Downsizing</p>	<p>Paragraphs in this Section will be re-numbered</p> <p>Add 21.2 and delete 9.2</p> <p>“If a Secure (fixed-term) Tenant wishes to transfer to smaller accommodation, the financial incentives to downsize set out under Section 21 of the Scheme will apply, but only if they have more than 5 years remaining on their fixed-term”</p> <p>Move Paragraph 14.10 into Section 21</p> <p>Move Paragraph 12.2 into section 21</p>	<p>Our Committee recommends that:</p> <p>All references to the rules on downsizing payments are consolidated into this Section of the Scheme to make it clearer and remove the need for cross-referencing.</p> <p>Under the current Scheme, incentive payments are only made within the first 7 years of the fixed-term. When Statutory Guidance comes into force, it is likely that a 5 year Secure (fixed-term) Tenancy will be the norm. Therefore, any person who has a tenancy term of five years or less should not be eligible for a downsizing incentive payment due to them being required to move anyway at the end of their fixed-term if they are under-occupying. If agreed delete Paragraph 9.2</p> <p>To make all reference to the rules for downsizing payments in one Section of the Scheme</p> <p>To make all reference to the rules for downsizing payments in one Section of the Scheme</p>
<p style="text-align: center;">23.2</p> <p>Reviews</p>	<p>Delete “in writing” first line</p>	<p>Not able to insist that applicants seek a review only in writing</p>
<p style="text-align: center;">24.1</p> <p>Equal Opportunities</p>	<p>Amend to:</p> <p>“The Council has undertaken an Equality Analysis Report....”</p>	<p>No longer referred to as a Customer (Equality) Impact Assessment</p>

APPENDIX TWO – Changes to the Scheme recommended by our Committee incorporating the initial views of Cabinet Members including further changes suggested by officers (continued)

Paragraph No. and Heading	Change to the Scheme	Reason
<p align="center">27.1</p> <p>Review of the Scheme</p>	<p>Amend to:</p> <p>“It is anticipated that the Housing Allocations Scheme will be reviewed by the Council’s Communities Select Committee following 3 years of operation in consultation with the Tenants and Leaseholders Panel, partner agencies and local residents which shall recommend any changes to the Council’s Cabinet</p>	<p>Our Committee recommends that Cabinet Members initial views on the timescale for the future Review of the Scheme is agreed</p>
<p>Band B (i)</p> <p>Priority Bands</p>	<p>Amend second line to 2 years</p>	<p>Under Paragraph 16.3 (referred to earlier) our Committee recommends that the current period for a person to be considered being part of a household is increased from 12 months to 2 years in order to establish permanency of living arrangements and prevent applicants “manufacturing” households in order to gain additional priority. If agreed it follows that in order to be defined as a household and sharing with another household the minimum period for an applicants to qualify for this criterion should also be increased to 2 years.</p>
<p>Appendix 4 Paragraph 1.2</p> <p>Homeless Applicants</p>	<p>Amend first bullet point to:</p> <p>“bed and breakfast accommodation (or similar temporary accommodation) secured by the Council.....”</p>	<p>To cover the use of alternative accommodation similar to B&B, for example Zinc Arts and in the future Modular Units.</p>

APPENDIX TWO – Changes to the Scheme recommended by our Committee incorporating the initial views of Cabinet Members including further changes suggested by officers (continued)

Paragraph No. and Heading	Change to the Scheme	Reason
<p>Appendix 4 Paragraph 1.3</p> <p>Homeless Applicants</p>	<p>Amend to:</p> <p>“In respect of 1.2 above, homeless applicants will be made one offer of suitable accommodation after receiving their S.184 decision letter, generally in flatted accommodation (including maisonettes). In order to discharge its main homelessness duty the Council will offer homeless applicants a 2 year Secure Fixed-Term Tenancy to give some temporary stability in order to prepare them to make their own arrangements thereafter. The Council will retain its duty to help [provide Housing Advice and Assistance to] the applicant if under the Assessment Criteria applied at the end of the fixed-term establishes that they have become unintentionally homeless.</p>	<p>The Council sought Legal Advice from Stephen Knafler QC on this suggested change who advised the Council on the lawfulness of its Schemes under the last two Reviews. He advises that the Council can discharge its duty by offering an applicant a fixed-term tenancy as this would be an offer of accommodation under the Housing Act 1996 as amended by the Homelessness Act 2002, provided the offer is suitable. He further points out the issues around any applicant who is housed in this way that may become unintentionally homeless, hence the statement that the Council will retain its duty to help [provide Housing Advice and Assistance to] the applicant if they become unintentionally homeless during or at the end of the period</p>
<p>Appendix 4 Paragraph 1.5</p> <p>Homeless Applicants</p>	<p>Amend to:</p> <p>“In respect of 1.4 above, a lesser Residency Criteria of 2 years will apply. Such applicants will be made one offer of suitable accommodation at the end of their stay in supported housing, generally in flatted accommodation (including maisonettes). The Council will offer such applicants a 2 year Secure Fixed-Term Tenancy to give some temporary stability in order to prepare them to make their own arrangements thereafter. If the offer is refused, the Council will make no further offers of accommodation.</p>	<p>Our Committee recommends that applicants leaving supported housing are treated in the same way as applicants to whom the Council owes a full homelessness duty</p>

APPENDIX TWO – Changes to the Scheme recommended by our Committee incorporating the initial views of Cabinet Members including further changes suggested by officers (continued)

Paragraph No. and Heading	Change to the Scheme	Reason
Appendix 4 Paragraph 1.6 l) Public Sector Key Workers	Delete Paragraph	Our Committee recommends that no exceptions are made under the Scheme in the future for public sector key workers. No properties have been allocated in this way to this client group for many years.
Appendix 4 Paragraph 1.6 m)	Delete Paragraph	Our Committee recommends that no exceptions are made under the Scheme in the future for Epping Forest District Council employees. No properties have been allocated in this way for many years.
Appendix 4 Paragraphs 2.1 to 2.3 Allocation Quotas	Delete Paragraphs	No such arrangements are made for new developments.
Appendix 4 Paragraph 3.1 Local Lettings Plans	Delete Paragraph	The Council no longer operates Local Lettings Policies.

APPENDIX THREE

1. The following paragraphs set out the options and our Committee's recommendations for adopting other qualification criteria alongside a residency requirement, which under the Government's Statutory Guidance housing authorities are asked to consider:

Option

Family association

2. For example, where an applicant has close family who live in the district and who have done so for a minimum period of time.

Recommendation of our Committee

3. Our Committee suggests that adopting such an exception to the Residency Criteria would be unclear and difficult to administer and is therefore not recommended. It would involve gathering evidence to prove that any applicant who does not meet the Residency Criteria has close family in the District. The term "close family" would also be difficult to define.

Employment in the District

4. For example where the applicant or member of their household is currently employed in the district and has worked there for a certain number of years.

Recommendation of our Committee

5. In accordance with the Government's Statutory Guidance, the Council's current Housing Allocations Scheme (Paragraph 14.3 f) refers) already makes an exception to the residency criteria for existing local authority or housing association tenants who are seeking to transfer from another district in England to take up an offer of work in the District - which our Committee considers already meets with the requirement to make such a provision. We recommend that no further provision is made under the Scheme.

People who are needing to move to escape violence or harm

6. The Guidance emphasises the need for residency requirements to be flexible enough to allow for special circumstances. Another example is where people need to move to another area to escape violence or harm. The Guidance further states "it is for local authorities to develop their own exceptions to a residency requirement in the light of local circumstances."

Recommendation of our Committee

7. Under the Council's current Housing Allocations Scheme (Paragraph 1.6 k) Appendix 4 refers) provision is made for people who are high risk victims of domestic abuse which appears to be sufficient. However, our Committee were advised by officers that due to recent case law around this issue, prior to our meeting, the Council's external Legal Advisor was specifically asked to provide advice on this aspect of the revised draft Scheme. On the advice of the legal advisor, an additional Criterion has been added at Band C (vii) of the draft Scheme to ensure that all those with a reasonable preference under the Housing Act 1996 who can demonstrate an exceptional need to either leave their current local authority area or move to the Epping Forest District, will qualify to join the Housing Register.

People who are working or making a “Community Contribution”

8. For example, where some low income families with a family member is in work or those deemed to be making a “community contribution” through voluntary work. Or setting aside specific properties or a specific portion of properties to be allocated to people for certain types of employment where skills are in short supply.

Recommendation of our Committee

9. Our Committee considers that adopting such an exception to the residency criteria would be unclear and difficult to administer. It would involve gathering evidence to prove that any applicant who does not meet the residency criteria has made a “community contribution”. The term “community contribution” would also be difficult to define and be open to challenge, misinterpretation and even abuse. Our Committee therefore recommend that no provision is made for those who make a “Community Contribution”.

**Appendix 4
Draft Housing Allocations Scheme**



1 July 2018



Epping Forest District Council

Housing Allocations Scheme

1 July 2018

1. Introduction

- 1.1 The Council is required, under Section 167 of the Housing Act 1996, to have a Housing Allocations Scheme for determining priorities and the procedure to be followed in selecting a person for accommodation, or nominating a person to be a tenant for accommodation held by another Registered Provider of Social Housing (a housing association). This includes all aspects of the allocations process including descriptions of persons by whom decisions are made.
- 1.2 This Housing Allocations Scheme has been formulated in accordance with the provisions of:
- The Housing Act 1996, as amended by the Homelessness Act 2002;
 - The Localism Act 2011;
 - The Allocation of accommodation: Statutory Guidance for local housing authorities in England (DCLG June 2012);
 - Providing social housing for local people: Statutory Guidance on social housing allocations for local authorities in England (December 2013);
 - Right to Move – Statutory Guidance on social housing allocations for local housing authorities in England (March 2015);
 - Housing and Planning Act 2016;
 - Homelessness Reduction Act 2017; and
 - Other relevant legislation and Guidance.
- 1.3 For the purposes of this Housing Allocations Scheme, the definition and interpretation of “tenant” shall have the meaning of either:
- Secure Pre-Localism Act Lifetime Tenant (tenancy granted prior to 1 April 2012)
 - Secure Post Act Lifetime Tenant (tenancy granted after 1 April 2012)
 - Secure (fixed-term) Tenant
 - Any other tenancy arrangements set out in subsequent legislation or the Council’s “Tenancy Policy”

Any references to “home seeker” means any applicant on the Council’s Housing Register.

2. Tenancy Strategy and Tenancy Policy

- 2.1 As with all Registered Providers, the Council is required to publish and be responsible for its Tenancy Policy. The Tenancy Policy has regard to the expectations of the West Essex Tenancy Strategy. A copy of the Council’s Tenancy Policy will be made available on request free of charge and contains the following information:
- The types of tenancies granted;
 - Circumstances where, a tenancy of a particular type will be granted and the length of the term;
 - Circumstances where a Secure (fixed-term) Tenancy for a term of less than 5 years will be granted;
 - Circumstances where on the expiry of a Secure (fixed-term) Tenancy, another tenancy will be granted on the same or another property;

- How applicants/tenants can appeal against the length of a Secure (fixed-term) Tenancy or a decision made under the Council's assessment criteria not to grant a further tenancy;
- How and when the Council will take account of the needs of vulnerable people;
- How advice and assistance will be provided if another tenancy is not granted at the end of the Secure (fixed-term) Tenancy term; and
- Details of discretionary succession rights

3. Homelessness Strategy

- 3.1 Under Section 1 (4) of the Homelessness Act 2002, local authorities have a duty to review and publish their Homelessness Strategy on at least a 5 yearly basis. As this area of work regularly changes, the Council's Strategy is reviewed every three years. The Strategy links with the Council's Housing Strategy, and has been taken into account when framing this Housing Allocations Scheme. The Strategy sets out achievements over the previous three years and incorporates the needs and demands on the service and actions that need to be undertaken over the coming three years. A copy will be provided free of charge on request.

4. The Council's Policy on Offering Choice

- 4.1 The Council operates a Choice Based Lettings Scheme where vacant properties are advertised to applicants on the Council's Housing Register on a website and a weekly Property List, giving details of location, type, rent, service charge, and landlord of the available accommodation. Applicants can apply for a property by "expressing an interest" (or "bidding") either on the website or by telephone or text.
- 4.2 Applicants are restricted to "bidding" for properties for which their household has an assessed need. At the end of the weekly "bidding" cycle, the Council analyses the "bids" received and the Housing Allocations Team within the Housing Options Section allocates each property following a prioritisation and selection process in accordance with this Housing Allocations Scheme. In general terms, the property is offered to the applicant in the highest band, who has been registered on the Housing Register the longest, who had "bid" for the specific vacancy. The results of the "bidding" on each property advertised is then published on the Website and in a future Property List, setting out the number of "bids" received on each property, as well as the Band and registration date of the successful applicant.
- 4.3 This helps to see how long the successful home seeker had been waiting for housing and gives greater transparency in the allocation of accommodation, as each applicant is able to clearly understand the type and location of properties for which they would be most likely to "bid" successfully. The process is also an indication to home seekers on whether housing accommodation appropriate to a person's needs is likely to become available and the possible waiting time. Details on how the Scheme operates are set out in the applicant's confirmation of registration letter.
- 4.4 Any home seeker who may have difficulty in participating in the Choice Based Lettings Scheme can contact the Housing Options Team at the Civic Offices, Epping where staff are available to provide assistance, including the submission of "bids" on their behalf, where they have no-one else to help. Computer kiosks are available at all housing office reception areas where bids can be submitted on the internet.

5. Advice and Information

- 5.1 The Council will provide advice and information free of charge on request to any person about their right to make an application for an allocation of housing accommodation and will also assist anyone who may have difficulty in doing so without assistance.

6. The Housing Register

- 6.1 The Housing Register will be maintained by the Communities Directorate at the Civic Offices in Epping. The Housing Register will be open to all qualifying persons.
- 6.2 The fact that a person is an applicant for the allocation of housing accommodation will not be divulged by the Council to any other member of the public without the applicant's consent.
- 6.3 The Housing Register will be open to applicants of 18 years of age and over.

7. The Housing Allocations Scheme

- 7.1 This Housing Allocations Scheme is framed so as to secure that the categories of applicants set out in Section 167 of the Housing Act 1996 are given reasonable preference.
- 7.2 The Council recognises that there may be some exceptional circumstances concerning qualifying persons which are not covered by the Scheme. In such instances, the Director of Communities will have delegated authority to make decisions, as he considers appropriate. The Director of Communities (with the exception of the provision under Paragraph 14.4 of this Scheme) does **not** have delegated authority to decide whether there are exceptional circumstances for allowing any non-qualifying applicant to join the Housing Register.
- 7.3 This Scheme will apply to vacancies in the Council's own housing stock and to vacancies in accommodation in the District belonging to other Registered Providers for which the Council is entitled to make nominations.
- 7.4 The provisions of this Scheme will apply to home seekers on the Council's Housing Register at the effective date of the Housing Allocations Scheme, as well as those who apply after the effective date (subject to Paragraph 14.3 (g)).

8. Introductory Tenancies

- 8.1 The Council operates an Introductory Tenancy Scheme whereby all new potentially Secure lifetime and Secure (fixed-term) Tenants are "on trial" for a period of 12 months in order that the Council can satisfy itself that the introductory tenant can sustain a tenancy and meet all of the conditions of the Council's Standard Tenancy Agreement. Should any conditions be breached, the Council will be able to seek possession of the property through the County Court with the judge having to grant possession, provided all of the procedures are followed correctly. In circumstances where the Council has concerns about an introductory tenant, but not serious enough to apply to the County Court for possession, the introductory period can be extended by a further 6 months. Introductory periods and the fixed-terms of tenancies are set on in the Declaration Section of the Tenancy Agreement.
- 8.2 The Council will grant introductory tenancies to all new tenants allocated accommodation under this Housing Allocations Scheme. Existing Council tenants will not be allocated introductory tenancies unless they are already an introductory tenant, in which case they will be required to fulfil their introductory tenancy period in their new property.

9. Secure (fixed-term) Tenancies

- 9.1 The Council will generally grant Secure (fixed-term) Tenancies to all new tenants who sign up to a tenancy of any Council property. Any other tenancy types will be granted in accordance with either the Council's Tenancy Policy or any other subsequent legislation.

10. Joint and Single Introductory Tenancies

- 10.1 A tenancy can be held by one person or by up to four joint tenants, all of whom must be qualifying persons. However many tenants there are, there is still only one tenancy and the rights and duties relating to the tenancy apply jointly and severally to all joint tenants. When a joint tenant dies, the remaining tenant/s will continue to hold the tenancy by "survivorship". The names of any joint tenants cannot be removed from the tenancy unless by an Order of the Court. If one joint tenant surrenders the tenancy then the tenancy comes to an end.

- 10.2 Joint Introductory Tenancies will be offered to:

- a) married couples or civil partners provided that both home seekers are named on the application
- b) unmarried couples, or those living as civil partners who can demonstrate a relationship similar to marriage or a civil partnership, providing that both request it and the partner of the lead home seeker is registered on the application
- c) home seekers and their live-in carers provided that both are named on the application, where the live in carer has occupied the property as their only or principal home for over 12 months and the Council considers it to be justified.

- 10.3 When an existing tenant applies to change their sole tenancy to a joint tenancy, this will be subject to any new joint applicant meeting with the Local Eligibility Criteria of this Scheme at Paragraph 14 (apart from the Housing Need element).

- 10.4 In all other circumstances, single Secure (fixed-term) Tenancies will be offered to the lead home seeker.

11. Tenancy Start Dates

- 11.1 All home seekers will be given an opportunity to view the property they are being offered prior to giving the Council their decision. When properties become available for letting, the tenancy start date will, in all cases, be the following Monday. However, where a property becomes available for letting on a Thursday or Friday, the first week of the tenancy will be rent free in order to allow the home seeker reasonable time to move into the accommodation.

12. Mutual Exchanges

- 12.1 The Council offers "HomeSwapper"; an internet based mutual exchange service, free of charge to assist qualifying tenants who are wanting to enter into a mutual exchange. Information on the service can be found at www.HomeSwapper.co.uk. Any tenant who does not have access to the Internet will be provided with support on request.

13. Persons from Abroad

- 13.1 The Council will not allocate housing accommodation to a person from abroad who is ineligible for housing accommodation, including two or more persons jointly if any of them is a person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (except those in classes prescribed by the Secretary of State as being eligible for an allocation of housing). Furthermore, it must be noted that the Secretary of State may by regulations prescribe other classes of persons from abroad who are ineligible to be allocated housing accommodation by local authorities in England.
- 13.2 Any part of a household who are not qualifying persons from abroad will not be counted as part of the assessment of need and size of accommodation.

14. Local Eligibility Criteria

- 14.1 The Council has a Local Eligibility Criteria which is in place to prevent applicants joining the Housing Register who have no realistic prospect of being housed, in order to remove any expectations. Within this Housing Allocations Scheme, those who do not meet all aspects of the criteria are classed as persons not qualifying.
- 14.2 The following classes of persons will **not** qualify for inclusion on the Council's Housing Register.

Residency Criteria

- 14.3 Any new applicant/s who has lived in the Epping Forest District for less than **seven** continuous years immediately prior to their date of application, with the exception of persons who:
- a) are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service;
 - b) formerly served in the regular forces where the application is made within 5 years of discharge;
 - c) 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
 - d) are serving or have 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 where the application is made within 5 years of discharge.

The "regular forces" and the "reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006

- e) are owed a homelessness duty by the Council under Part 7 S193 of the Housing Act 1996 as amended who have already met the residency provisions in accordance with this legislation;
- f) are existing local authority or housing association tenants with a good tenancy record who are seeking to transfer from another local authority district in England. They must provide appropriate evidence that they are in long-term work in the District, or have a genuine intention of taking up an offer of work in the District (work does not including short-term, occasional, ancillary, voluntary, marginal or economically insignificant employment), comprising a minimum of 16 hours each week or an apprenticeship. They must also demonstrate that they are experiencing hardship as a result of the above due to one or more of the following factors:
 - (i) they live in excess of 50 miles from their current or intended place of work

- (ii) they have a return journey time on public transport which is generally in excess of 3 hours based upon Internet Journey Planners
 - (iii) the availability of transport is restrictive causing similar difficulties set out in (i) and (ii) above
 - (iv) transport is unaffordable when taking into account earnings
 - (v) there are medical and child care factors which would be affected if the tenant could not move
 - (vi) the failure to move would result in the loss of an opportunity to improve an applicant's job prospects or in the opinion of the Housing Options Manager some other hardship factor not covered by this Scheme
- g) were registered on the Housing Register on 30 June 2018.
- 14.4 Are an applicant who in the opinion of the Housing Options Manager is entitled to a reasonable preference under Part 6 of the Housing Act 1996 as amended and can demonstrate an exceptional need to either leave their current local authority's area or move to the Epping Forest District.
- 14.5 Are a person to whom the Council does not owe a full homelessness duty, where there is a requirement under Part 7 of the Housing Act 1996 as amended to afford reasonable preference **on the ground of homelessness**.
- 14.6 A lesser Residency Criteria of 2 years will apply to applicants leaving Supported Housing Schemes as set out at Paragraph 1.4 Appendix 4 of the Scheme.
- 14.7 Any resident who moves out of the Epping Forest District for less than 2 years, but has lived within the District for at least 7 continuous years immediately prior to moving out of the District, will be treated as an applicant or home seeker who has lived in the District for more than 7 continuous years prior to application.

Housing Need

- 14.8 Any applicant who does not have a housing need, as determined by at least one criterion of a priority band at Appendix 1 of this Housing Allocations Scheme, will not qualify.

Financial Criteria

- 14.9 Any applicant/s who, in the opinion of the Council, has sufficient funds including; annual income, residential property equity, savings, shares or other assets to enable them to meet his or her housing costs will not qualify. The thresholds at which this criterion will apply are where the annual gross household taxable income added to any; residential property equity, savings, shares or any other assets, exceeds £76,000 (household is defined at Paragraph 16.3 of this Scheme). Applicants will be required to provide evidence of income and savings.
- 14.10 Any applicant in the view of the Director of Communities is found to have disposed of assets by means of wilful deprivation within the last six years will not-qualify.
- 14.11 Any lump sums received, as compensation for an injury or disability sustained on active service by either, members of the Armed Forces, former Service personnel, bereaved spouses and civil partners of members of the Regular Forces, or serving or former members of the Reserve Forces, will be disregarded from this criterion.

Serious Unacceptable Behaviour

14.12 Any person (or a member of their household) who, within the previous **7 years**, have been guilty of serious unacceptable behaviour sufficient in the opinion of the relevant Area Housing Manager to make them unsuitable as a tenant of the Council will not qualify. Such behaviour is behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure, Assured or Secure (fixed-term) Tenant and includes:

- Serious rent arrears (including housing benefit and Court cost arrears);
- Other breaches of tenancy conditions including damage and neighbour nuisance amongst others;
- Previous proven social housing fraud; or
- Proven offences under the Anti-Social Behaviour; Crime and Policing Act 2014 or any other relevant legislation in force at any time

Future Applications

14.13 If a non-qualifying applicant considers that he/she should be treated as a qualifying person in the future, they may make a fresh application at that time.

15. Supplementary Waiting List

15.1 The Council operates a separate Supplementary Waiting List for non-qualifying applicants over 60 years of age who do not meet certain aspects of the Local Eligibility Criteria. Applicants will generally only be able to bid on one bedroom Council or Housing Association properties in sheltered accommodation or grouped dwelling schemes (not bungalows) for older people under the HomeOption Scheme. However, qualifying persons on the Council's Housing Register who have submitted bids will be given priority.

15.2 Any offers of tenancies made to applicants on the Supplementary Waiting List will be prioritised in registration date order. Prior to any offer, the Council will undertake an in-depth assessment of the applicant to determine if the accommodation is suitable for the applicant. The following aspects of both the Local Eligibility Criteria set out within Section 14 above and the provisions under Section 25 of this Housing Allocations Scheme will still apply when determining if the applicant is eligible for inclusion on the Supplementary Waiting List:

- Financial Assessment
- Serious Unacceptable Behaviour
- False Statements and Withholding Information

16. Application to the Housing Register

16.1 The Council will ensure that advice, information and assistance is available free of charge to applicants in the District about the right to make an application for an allocation of housing accommodation. Applications must be made on-line at www.homeoption.org. Applicants will be required to, within their on-line applications, provide answers to such questions as the Council deems appropriate to allow an assessment of their entitlement to housing accommodation to be made. Assistance will be given to home seekers who do not have access to a computer or who need help generally with the application process. Each application received will be given careful consideration.

16.2 Advice and information will be provided by the Council, the Epping Forest Citizens Advice Bureau and any other source able to give appropriate advice free of charge.

Definition of Household

16.3 A Household is either one person or two persons or more who are intending to live together at the same property offered. Applicants should only include persons on their application who have been part of their household for at least a **two year** period and will occupy the accommodation offered as their only or principal home. In respect of the Financial Criteria set out at Paragraph 14.9 to 14.10 of this Scheme, Household is defined as any person/s intended to be either the tenant or joint tenants.

Proof of Identity

16.4 Applicants and other persons included on the application will, at the point of application, be required to provide documentary proof from two official sources of;

- a) their identity; and
- b) their residency.

16.5 Required documents in respect of 16.4 above will include an original Full Birth Certificate and current Passport and any other appropriate documents as determined by the Housing Options Manager.

16.6 If required documents cannot be provided, the Housing Options Manager may authorise the acceptance of other documents.

Proof of Residency

16.7 Any applicant will be required to provide evidence of residency to the satisfaction of the Council. In order to validate the residency of the home seeker and other persons included on the application, the Council will undertake checks with other Council Directorates and relevant bodies as appropriate.

16.8 When a home seeker is being considered for a property, they will be contacted by telephone and required to provide up-to-date evidence of their current situation in order to consider their eligibility again for any offer of accommodation. Such evidence will be more extensive than that requested at the point of joining the Housing Register. Under normal circumstances, any home seeker who fails to provide this evidence will not be offered the property. Additional documentary evidence to substantiate an application may be required as the Council considers appropriate.

16.9 When making an application on line, should any information not be submitted, or due to the information provided the applicant is deemed not to qualify; it will not be possible to complete the application process. In such circumstances the applicant should seek advice and assistance from the Council. Where supporting documents are not received within 14 calendar days of any application being completed on line the application will be cancelled.

17. Information about the Housing Allocations Scheme

17.1 Upon written request, home seekers will be able to;

- (a) receive a copy of their details entered on the Housing Register free of charge;
- (b) receive copies of documents provided by them;
- (c) have access to their file in accordance with the provisions of the Data Protection Act 1998;
- (d) have a copy of their full file, subject to payment of a £10 fee;

- (e) be informed in writing of any decision about the facts of their case and of their right to request a review of any such decision;
- (f) receive general information to enable them to assess;
 - (i) how their application is likely to be treated under the Scheme;
 - (ii) whether accommodation appropriate to their need is likely to be available and, if so, when; and
 - (iii) how any decision about the facts of their case has been taken into account.
- (g) receive a summary of the Housing Allocations Scheme free of charge.

18. Allocation of Accommodation

- 18.1 Generally, the relative degree of priority to be awarded to home seekers on the Housing Register will be assessed by the Housing Allocations Team within the Housing Options Section with reference to the banding system set out at Appendix 1.
- 18.2 Band A represents the highest priority and Band C represents the lowest.
- 18.3 Home seekers will be expected to be maximising and not worsening the use of their existing accommodation. Applications will be assessed on the household composition and the size of the existing accommodation, rather than its current use by the household.
- 18.4 An offer of accommodation will not be made to any home seeker who has rent arrears in excess of 4 weeks rent.
- 18.5 Home seekers within each band will be prioritised in registration date order. For home seekers within Band B (v) the home seeker's tenancy commencement date will be the registration date.
- 18.6 Any vacancy will be offered generally to the home seeker identified by the Council who has the highest priority and has expressed an interest in that property. This is subject to sheltered accommodation and grouped dwelling schemes generally only being offered to home seekers over the age of 60 years; and bungalows only being offered to home seekers over the age of 60 years but in certain circumstances aged over 50 years.
- 18.7 The size of housing accommodation to be allocated to home seekers on the Housing Register is set out in Appendix 2.

Penalty for Refusals of Offers of Accommodation

- 18.8 Subject to the circumstances in Paragraph 18.10 below, any home seeker who refuses **two** offers of suitable accommodation for which they have expressed an interest within any period will have their application deferred for a period of **two** years.
- 18.9 Any tenant of the Council who is under-occupying and is wishing to move to smaller Council accommodation, who refuses **three** offers of suitable accommodation for which they have expressed an interest within any period, will have their application deferred for a period of **twelve** months.

Homeless Households

- 18.10 The Housing Allocations Scheme is framed to ensure that reasonable preference is given to people who are homeless within the meaning of Part 7 of the Homelessness Act 1996.
- 18.11 Homeless households will generally be initially placed in temporary accommodation. The Council reserves the right to move homeless households to alternative temporary accommodation in appropriate circumstances.
- 18.12 Applicants accepted by Epping Forest District Council as homeless, eligible for assistance, in priority need and not intentionally homeless under the Part 7 of the Housing Act 1996 as amended, will be made one offer of suitable accommodation after receiving their S.184 decision letter, in generally flatted accommodation (including maisonettes) as set out at Appendix 4. Homeless applicants will be made an offer accordingly, subject to the availability of accommodation. In order to discharge its main homeless duty the Council will offer homeless applicants a 2 year Secure (fixed-term) Tenancy to give some temporary stability in order to prepare them to make their own arrangements thereafter. The Council will retain its duty to help [provide advice to] the applicant if under the Assessment Criteria applied at the end of the fixed-term establishes that they have become unintentionally homeless. If the offer is refused, the applicant will have the right to seek a Review of the suitability of the accommodation. If not successful, the Council's duty under the Homelessness Act 1996 as amended to provide accommodation will be considered to be discharged.

19. Redecoration Vouchers Scheme for the Council's Properties

- 19.1 Internal decorations to a property are the tenant's responsibility. However, if a property owned by the Council is offered and is, in the view of the inspecting officer, in need of redecoration an allowance for decorating materials will be made. A redecoration voucher for use in a DIY store will be issued to the incoming tenant after they have signed the tenancy agreement, as a contribution towards costs. A re-decoration allowance will only be made to existing tenants if their previous Council property is found to have been left in reasonable repair.

20. Removal Expenses

- 20.1 The Council will not meet the cost of any removal expenses, except as set out in Paragraph 21.1 and 21.2 below.

21. Incentive Payments for Downsizing Accommodation

- 21.1 Where a lifetime tenant of the Council is under-occupying accommodation and is downsizing accommodation and moves or enters into a mutual exchange to any property with less bedrooms than their current property and both properties are owned by the Council, they will be offered £500 to cover removal costs a payment of £500 to meet decoration costs (in addition to the amount paid under the Council's decorations allowance scheme set out at Paragraph 19.1) and £1,000 for each bedroom "released", subject to the tenant having a housing need for the downsized property, and a maximum payment of £4,000 being made.
- 21.2 If a Secure (fixed-term) Tenant wishes to transfer (or mutual exchange) to smaller accommodation, the financial incentives to downsize set out under this section of the Scheme will apply, but only if they have more than 5 years remaining on their fixed-term tenancy.

21.3 The Council's incentive payments made to existing tenants who downsize accommodation will be made (subject to Paragraph 21.2 above) to any of the Council's tenants who downsize accommodation by way of mutual exchange, providing all parties to the mutual exchange are tenants of the Council and are adequately housed as a result, in accordance with this Scheme.

21.4 The Financial Criteria (in accordance with Paragraphs 14.9 to 14.11 of this Scheme) will be disregarded where a tenant of the Council is under-occupying accommodation and is downsizing accommodation and moves or enters into a mutual exchange to any property with less bedrooms than their current property and both properties are owned by the Council. The Council's incentive payments will not apply to all those downsizing in accordance with this Paragraph where the Financial Criteria has been disregarded for this reason.

21.5 Any tenant wishing to enter into this arrangement whose rent account is in arrears, must be prepared to accept that the arrears will be deducted from the amount paid.

21.6 Where a tenant of the Council is downsizing accommodation, they will be considered for a bungalow if they wish, normally allocated to persons over 60 years of age, but provided they are over 50 years of age.

21.7 No payments will be made to successor tenants who are required to move to smaller accommodation.

22. Decisions on the Allocations Process

22.1 The Council gives delegated authority to the Director of Communities to take decisions on the allocations process. In turn, the Director of Communities delegates such decisions to the Housing Allocations Team within the Housing Options Section, under the supervision of the Housing Options Manager.

23. Reviews

23.1 If any applicant or home seeker is found not to be a qualifying person, they will be notified in writing of the decision and the grounds for it. They will also be given the opportunity for the information to be explained to them verbally. If they consider they have been unfairly or unreasonably treated having regard to the provisions of this Housing Allocations Scheme, they have the right to request a review of the decision within 21 days of the date of the original decision letter.

23.2 In the first instance, applicants must seek a review by either writing to the Assistant Director (Housing Operations), or notifying the Housing Options Section by any convenient method, and will receive a written response within 8 weeks of the date the request is received. Upon request, the decision letter can be collected by the applicant within a reasonable period. Should an extension of the deadline be required the home seeker will be notified of this and the reasons.

23.3 The review will be undertaken either by the Assistant Director (Housing Operations), the Housing Options Manager or any other senior officer designated by the Director of Communities, who will advise the applicant or the home seeker of any further rights of appeal as appropriate.

23.4 The review will be undertaken by a person senior to the person making the original decision and who has not had a significant involvement in the original decision.

23.5 If the applicant considers that he/she should be treated as a qualifying person in the future, they may make a fresh application.

24. Equal Opportunities

- 24.1 The Council has undertaken an Equality Analysis Report on the Housing Allocations Scheme to determine how the Scheme will impact upon those classes of persons with Protected Characteristics and to ensure that it complies with the Equalities Act 2010. A copy of the Equality Analysis Report is available upon request free of charge.
- 24.2 The Council is committed to equal opportunities in the provision of its housing services. The Council has regard to, and implements, the provisions of the Race Relations Code of Practice in Rented Housing.
- 24.3 As an aid to ensuring that home seekers are not discriminated against on the grounds of their Protected Characteristics, through one of its Overview and Scrutiny Committees, the Council will monitor the Protected Characteristics of:
- a) home seekers on the Housing Register
 - b) home seekers allocated housing
 - c) home seekers on the Supplementary Waiting List seeking accommodation
 - d) home seekers allocated housing from the Supplementary Waiting List
- 24.4 The practices and procedures of the Communities Directorate will be monitored by the appropriate Assistant Director of Communities to ensure that they do not discriminate directly or indirectly. Changes will be made if it is established that any practices or procedures may be contravening the Equality Act 2010.

25. False and Withheld Information

- 25.1 Any persons who have knowingly or recklessly made a statement which is false in material or knowingly withholds information that the Council has reasonably required them to give in connection with the exercise of the Scheme will have their housing application cancelled.
- 25.2 The Council may seek possession of a property under Ground 5 of Schedule 2 of the Housing Act 1985 and take criminal proceedings if a tenant has induced the Council to grant a tenancy by knowingly or recklessly making a false statement when they applied for the accommodation.

26. Information on the Allocations Scheme

- 26.1 The Council will:
- a) publish a summary of its Housing Allocations Scheme in a leaflet setting out a person's right to make an application for housing accommodation and provide copies free of charge on request to any member of the public;
 - b) provide copies of the Housing Allocations Scheme free of charge at the:
 - (i) Housing Options Section, Civic Offices, Epping
 - (ii) Area Housing Office, 63 The Broadway, Loughton
 - (iii) Limes Centre Housing Office, The Limes Centre, Chigwell; and
 - c) enable copies of the Housing Allocations Scheme to be downloaded from the Internet at the Council's web-site: www.eppingforestdc.gov.uk/housing (currently available through these links: Residents/Housing/Housing Advice/Applying for a council or housing association home).

27. Review of Housing Allocations Scheme

- 27.1 It is anticipated that this Housing Allocations Scheme will be reviewed by the Council's Communities Select Committee following 3 years of operation in consultation with the Tenants and Leaseholders Panel, which shall recommend any changes to the Council's Cabinet, with a target date for the reviewed Scheme coming into effect of 1 April 2022.

28. Consultation on Changes to the Allocations Scheme

- 28.1 Before adopting a new Housing Allocations Scheme or making an alteration reflecting a major change of policy in its existing Housing Allocations Scheme, the Council will send a copy of the draft scheme or any proposed major change to the scheme to all of the following interested parties giving them a reasonable opportunity to comment:
- Every private Registered Provider of social housing with which it has nomination arrangements
 - Town and Parish Councils
 - The Tenants and Leaseholders Panel
 - Partner agencies with an interest in the Scheme

Priority Bandings

Band A

- (i) Any member of the Armed Forces, or former Service personnel, or serving or former members of the Reserve Forces who joins the Council's Housing Register, are given priority above all other applicants within Band A, where they are assessed by the Council's Medical Advisor as suffering from a serious injury, illness or disability which is wholly or partly attributable to their service, where the application is made within 5 years of discharge.
- (ii) Bereaved spouses or Civil Partners of those serving in the regular forces where the bereaved spouse or Civil Partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or Civil Partner and the death was wholly or partly attributable to their service.
- (iii) Home seekers with Council or Housing Association tenancies in the District wanting to move to accommodation with fewer bedrooms than the property they currently occupy on a permanent basis.
- (iv) Home seekers needing to move on urgent medical grounds or urgent grounds relating to disability. **
- (v) Home seekers needing to move on urgent welfare grounds ***.
- (vi) Home seekers occupying insanitary or overcrowded housing which poses a serious health hazard, or otherwise living in unsatisfactory conditions (in accordance with housing legislation)* but not as a result of the introduction of a further household.
- (vii) Home seekers with mobility problems will be given priority for ground floor flats and bungalows above other home seekers in this Band [with the exception of Band A (i)], regardless of their waiting time, on recommendation of the Council's Medical Advisor.
- (viii) Home seekers needing two or more additional bedrooms compared to their current accommodation.

Band B

- (i) Home seekers defined as a household, who are sharing accommodation with another household for a minimum of 2 years, which is resulting in a lack of at least one bedroom.
- (ii) Home seekers who need to move to a particular locality within the District where failure to meet that need would cause hardship to themselves or to others.****
- (iii) Home seekers who can demonstrate they would otherwise be one household, but are having to live apart from other members of their household because of a lack of accommodation, (which would lead to statutory overcrowding if they occupied accommodation available to them individually) but not for personal reasons (i.e. family disputes).
- (iv) Home seekers needing one additional bedroom compared to their current accommodation.
- (v) Existing tenants of the Council:
 - living in 2 or 3 bedroom flatted accommodation (including maisonettes) who meet the Local Eligibility Criteria under Paragraph 14 of the Scheme (apart from the Housing Need element), making expressions of interest for houses that meet with their housing need, with their registration date being the tenancy commencement date of their current property.
- (vi) Existing tenants living in sheltered accommodation, who are wishing to move within their own scheme or to another sheltered scheme within the District.
- (vii) Existing tenants of the Council aged over 60 years, living in 1 bedroom Council accommodation wishing to move to sheltered accommodation regardless of their need.

Band C

- (i) All Home seekers (in accordance with Paragraph 14.3 (f)) of this Housing Allocations Scheme), who need to move to be nearer to their place of work, or to take up an offer of permanent employment or an apprenticeship.
- (ii) Home seekers sharing accommodation with another household.
- (iii) Any member of the Armed Forces or former Service personnel, or serving or former members of the Reserve Forces who have no housing need, and the application is made within 5 years of discharge.
- (iv) Spouses and children (including step-children) of existing and former Armed Forces Personnel (where the application is made within 5 years of discharge) seeking accommodation in their own right, provided that one of their family members (as defined by Section 113 of the Housing Act 1985) has lived within the District for at least 3 years immediately prior to the date of application.
- (v) Home seekers needing to move on moderate medical grounds or moderate grounds relating to disability. *****
- (vi) Home seekers in the Council's interim accommodation awaiting their homelessness decision under S.184 of the Housing Act 1996 as amended.
- (vii) Any applicant who is entitled to a reasonable preference under Part 6 of the Housing Act 1996 as amended and can demonstrate an exceptional need to either leave their current local authority's area or move to the Epping Forest District.
- (viii) All home seekers to whom the Council does not owe a full homelessness duty, where there is a requirement under Part 7 of the Housing Act 1996 as amended to afford reasonable preference **on the ground of homelessness**

Insanitary, Overcrowded Housing or Unsatisfactory Conditions

*Where the Permitted Number, in accordance with the provisions of S. 326 of the Housing Act 1985 is exceeded, or in accordance with the legislation, the property is in a serious state of disrepair, of poor internal or external arrangement, or is lacking one or more of the following; kitchen facilities, inside W.C. or utility supplies.

Urgent Medical Priority

**Urgent Medical Priority (including grounds relating to disability and access needs and/or learning disability) to be determined by the Council's Medical Adviser or a company commissioned by the Council to provide medical advice on written evidence and taking into account all known facts relating to the application. It is important to note that urgent priority will not be given based upon the medical evidence itself, it will be based upon the impact it has upon the home seeker's housing requirements and whether the home seeker's current accommodation is directly contributing to the deterioration of the home seeker's health. It will be considered based on the extent that the health of a home seeker, or an immediate member of their family, will significantly improve by a move to alternative accommodation.

Welfare Grounds

*** Welfare grounds to be assessed on written evidence by the Housing Options Manager, in consultation with the Council's Medical Adviser. Welfare issues will encompass providing or receiving ongoing care and care and support needs for those who could not be expected to find their own accommodation such as young adults with a learning disability who wish to live independently in the community and social needs, for instance, where a secure base is required for a care-leaver or any other vulnerable person to build a stable life. Those who are active foster carers or those who are adopting who need to secure larger accommodation in order to look after a child who was previously looked after by local authority will be considered for a Flexible (fixed-term) Tenancy (in accordance with the Council's Tenancy Policy) where additional priority is justified.

Hardship Grounds

****Hardship may also include a need to move to give or receive care that is substantial or ongoing as well as for access to specialist medical treatment where there are severe mental health, medical or welfare issues and there are exceptional reasons why this support cannot be made available through a reliance on public transport or on the home seekers own transport.

Moderate Medical Priority

*****Moderate Medical Priority, (including grounds relating to disability and access needs and/or learning disability) being generally one or a combination of minor medical issues, to be determined by the Council's Medical Adviser or a company commissioned by the Council to provide medical advice on written evidence and taking into account all known facts relating to the application. It is important to note that moderate priority will not be granted based upon the medical evidence itself, it will be based upon the impact it has upon the home seeker's housing requirements and whether the home seeker's current accommodation is directly contributing to the deterioration of the home seeker's health. It will be considered based on the extent that the health of a home seeker, or an immediate member of their family, will significantly improve by a move to alternative accommodation. No increase in Banding will be given as a result of "Moderate Medical" priority; it will only result in a home seeker being a qualifying person under the Scheme should no other criterion be met.

Re-Assessment of Medical Priority

Any home seeker who is awarded Band A priority due to urgent medical priority will have their medical position re-assessed if they express an interest for a property and then refuse an offer of that accommodation. A re-assessment will also be undertaken of any home seeker with urgent medical preference who fails to fully participate in the Choice Based Lettings Scheme for more than 6 months. In addition, should any applicant move from their existing accommodation and remain on the Housing Register, a fresh medical assessment will be undertaken.

Sizes of Properties to be Allocated

The sizes of properties allocated to home seekers on the Housing Register will be based on the composition of their household, generally in accordance with the property sizes of the Local Housing Allowance, as shown in the following table.

Property Size	Household Composition
Studio	Single Persons
1 Bedroom	Single person or 2 persons, with no family members
2 Bedroom	Single Person or 2 persons, with 1 family member or 2 family members of the same sex, or 2 family members of opposite sex both under the age of 10 years
3 Bedroom	Single person or 2 persons, with 2 family members of opposite sex with one family member over the age of 10 years Single person or 2 persons, with 3 family members 2 of whom are of the same sex Single person or 2 persons, with 4 family members 2 each of the same sex
4 Bedroom*	Single person or 2 persons with 4 or more family members where two are of opposite sex and over the age of 10 years
5 Bedroom*	Single person or 2 persons with 5 or more family members where 2 family members are of opposite sex and one is over 10 years of age

Accommodation available for occupation is defined in accordance with the Housing Act 1996 Part 7 Section 176 and sets out person/s who would normally or reasonably reside with the lead applicant/s as an (established) member of his or her family. A family member is as defined by Section 113 of the Housing Act 1985.

Under the HomeOption Scheme, home seekers will be able to express an interest in properties which are one bedroom less than their need provided it is within the Permitted Number of occupants allowed under the Housing Act 1985.

*However, any assessment will require two family members of the same sex regardless of age, to share one bedroom. It should be noted the Council has very few properties with 4 or 5 bedrooms in its housing stock.

For information

In exceptional circumstances, home seekers may be allocated a property which is one bedroom above the need of their household where the Council's Medical Advisor agrees that there are urgent medical reasons (including reasons of disability) for doing so. Where applicants receive support from carers who do not reside with them but may need to stay overnight, the Council will take into account the applicant's need for a spare bedroom.

Consideration will be given to the bedroom requirements of active Registered Foster Carers in terms of Priority Banding and property sizes offered depending upon the circumstances.

It should be noted in cases where residence of children is shared, and where one parent has accommodation available to them that meets the need of that household, the other parent, generally, will only be considered for studio or 1 bedroom accommodation.

Priority Transfers

Priority Transfers will only be granted on a like-for-like accommodation basis for urgent reasons including;

- urgent circumstances (in accommodation away from the local area) where there is clear written evidence that an existing tenant's safety is at risk including, as a result of violence or threats of violence, intimidated witnesses and those escaping anti-social behaviour or domestic violence
- those who need to move urgently because of life threatening illness or sudden disability. Decisions will take into account the advice of the Council's Medical Advisor following consideration of the impact it has upon the tenant's housing requirements and whether the tenant's current accommodation is directly contributing to the deterioration of the tenant's health. It will be considered based on the extent that the health of a tenant, or an immediate member of their family, will significantly improve by a move to alternative accommodation.
- to facilitate major repairs or refurbishment of a Council property
- where a Council property is required to be demolished for safety or redevelopment purposes
- other transfers of a similar nature as determined by the Director of Communities

1. Allocations Outside of the HomeOption Scheme

- 1.1 The Council will, as it considers appropriate, allocate properties outside of the HomeOption Scheme in the following circumstances:

Homeless Applicants

- 1.2 To applicants accepted by Epping Forest District Council as homeless, eligible for assistance, in priority need and not intentionally homeless under the Part 7 of the Housing Act 1996 as amended who are living in:
- bed and breakfast accommodation (or similar accommodation) secured by the Council, but excluding those in the process of being referred to another local housing authority under S.198 of the Housing Act 1996
 - the Council's Homeless Persons Hostel (Norway House or Hemnall House), or a Women's Refuge
 - homeless applicants living in Brookhaven for at least 6 months and have been served with a S 21 Notice (giving notice of ending the assured tenancy), where the Manager of Brook Haven has notified the Council that the tenant is ready to move on.
- 1.3 In respect of 1.2 above, homeless applicants will be made one offer of suitable accommodation after receiving their S.184 decision letter, generally in flatted accommodation (including maisonettes). In order to discharge its main homeless duty the Council will offer homeless applicants a 2 year Secure (fixed-term) Tenancy to give some temporary stability in order to prepare them to make their own arrangements thereafter. The Council will retain its duty to help [provide housing advice and assistance to] the applicant if under the Assessment Criteria applied at the end of the fixed-term establishes that they have become unintentionally homeless. If the offer is refused, the applicant will have the right to seek a Review of the suitability of the accommodation. If not successful, the Council's duty under the Homelessness Act 1996 as amended to provide accommodation will be considered to be discharged.

Persons Living in Supported Housing

- 1.4 Persons to whom the Council does not owe the full homelessness duty, who and have been placed by the Council under its nomination rights or with the support of the Homelessness Prevention Team for a least 9 months and are ready to move on, at either the:
- S.A.F.E. (Single Accommodation for Epping Forest "NACRO") Project;
 - Young Parent Scheme at Railway Meadow, Ongar
 - Supported housing scheme for vulnerable adults at Tolpuddle House, Ongar
 - Supported housing scheme at Elm Court, Theydon Bois
 - NACRO scheme for those with mental health issues
 - Young parent and child scheme at Bartletts, Chelmsford

1.5 In respect of 1.4 above, a lesser Residency Criteria of 2 years will apply. Such persons will be made one offer of suitable accommodation at the end of their stay in supported housing, generally in flatted accommodation (including maisonettes). The Council will offer such persons a 2 year Secure (fixed-term) Tenancy to give some stability in order to prepare them to make their own arrangements thereafter. If the offer is refused, the Council will make no further offers of accommodation.

Other Allocations Outside of the Housing Allocations Scheme

1.6 This Housing Allocations Scheme does **not** apply in the following cases;

- a) where a tenant succeeds to a tenancy (or an Introductory Tenancy) upon the death of a tenant;
- b) to accommodate a successor tenant who is under-occupying Council accommodation;
- c) where a tenancy is assigned to a person who would qualify to succeed to the tenancy if the tenant died immediately before the assignment;
- d) where a tenancy is assigned by way of a mutual exchange to an existing tenant;
- e) where a tenancy is either granted in response to a transfer request under Section 158 of the Localism Act 2011 or any other tenant transfers;
- f) where an introductory tenancy becomes a Secure lifetime or Secure (fixed-term) Tenancy on ceasing to be an introductory tenancy;
- g) where an introductory tenant undertakes a mutual exchange with a Secure lifetime or Secure (fixed-term) Tenant. In these circumstances, each party will surrender their tenancies, and the Council will grant each party a new tenancy which reflects their previous tenancy status. Any period the affected tenant spent as an introductory tenant in their previous property will count towards the fulfilment of the 12-month "introductory period" in the new property. It should be noted that some social landlords do not allow introductory tenants to enter into a mutual exchange within any trial period;
- h) where a tenancy is disposed through a Property Adjustment Order in accordance with relevant legislation;
- i) where a priority transfer is agreed in accordance with the criteria set out at Appendix 3;
- j) Where a property is offered to an applicant on the Witness Protection Mobility Scheme (only one property will be offered for this purpose within any 12 month period, and will be either a flat or maisonette);
- k) Where an existing social housing tenant of another Essex authority (who is a high risk victim of domestic abuse) is referred and it is confirmed by Essex County Council, that the victim needs to be moved specifically to the Epping Forest District, an appropriate offer of a tenancy will be made on a reciprocal basis. Any offer will be subject to Essex Police strongly recommending that the person must live only within the District and their priority has been assessed as being greater than all other existing cases where a duty has been accepted by the Council under the homeless legislation. Such accommodation offered will be either a flat or maisonette.

2. Rural Housing Schemes

- 2.1 Where vacancies arise in properties that have been built in rural localities under exceptional planning arrangements (Section 106 Agreements), the Residency Criteria will not apply. However, eligible home seekers must comply with the locality connection in accordance with the Section 106 Agreement and will not be eligible to be considered for other vacancies. Such requirements only apply for specific development sites that have such exceptional planning arrangements.

3. Local Lettings Plans for Council Housing

- 3.1 Where properties have been purpose built or adapted for tenants with specific needs, for instance, sheltered accommodation and grouped dwelling schemes for people aged over 60 years; bungalows for people aged over 60 years or in certain aged over 50 years, or those with physical disabilities, preference will be given to home seekers from households in need of that particular type of accommodation.

Epping Forest District Council
Civic Offices, High Street, Epping, Essex CM16 4BZ

Telephone: 01992 564000
email: housingoptions@eppingforestdc.gov.uk

www.eppingforestdc.gov.uk/housing

1 July 2018

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme

Organisation	Consultation Response	Comments
<p>Tenants and Leaseholders Panel</p>	<p>The Panel gave consideration on the increase in the Residency Criteria from 5 to 7 years. The Panel voted on this change with five of their members in favour of the 7 year option and 5 of their members in favour of the 5 year option. The Panel's Chairman used his casting vote in favour of 7 years.</p> <p>The Panel's view is that under the penalties for refusals of offers of accommodation (Paragraph Paragraph18.9 refers) the numbers of offers within any period before the penalty applies, be increased from three to five for existing tenants of the Council who are under-occupying accommodation and wishing to move to smaller Council accommodation with their application being deferred for a period of twelve months</p> <p>The Panel also considers that for any applicant (or a member of their household) who has committed acts of proven social housing fraud or proven offences under the Anti-Social Behaviour; Crime and Policing Act 2014 should have their application deferred for a period of 7 years. However, they felt that any applicant who had serious rent arrears or had breached other tenancy conditions including damage, neighbour nuisance amongst others should be non-qualifying for a lesser period of 3 years.</p>	<p>The Panel agreed the increase in the Residency Criteria to 7 years</p> <p>Having taken into account the views of the Panel on existing tenants who are under-occupying Council accommodation and downsizing to smaller Council accommodation the Housing Portfolio Holder is recommending that the numbers of offers before the penalty applies in these circumstances be increased from three to four. It is considered that increasing to five would have a detrimental effect on void times and rental loss</p> <p>The recommendation of the Communities Select Committee is that any person who has committed any act of Unacceptable Behaviour as defined in the draft Scheme should be non-qualifying for a period of 7 years. It is suggested that the Committee's recommendation is agreed and no changes are made to the draft Scheme</p>

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme (continued)

Organisation	Consultation Response	Comments
The Council's Private Sector Housing Team	The Council's Private Sector Housing Team are happy with the draft Scheme	None
Loughton Town Council	<p>Loughton Town Council considers that the Residency Criteria remains at 5 years.</p> <p>Loughton Town Council considers that for any applicant (or a member of their household) who has committed acts of proven social housing fraud should have their application deferred for a period of 5 years. Furthermore, that any applicant who has proven offences under the Anti-Social Behaviour; Crime and Policing Act 2014, had serious rent arrears or had breached other tenancy conditions including damage, neighbour nuisance amongst others should be non-qualifying for a lesser period of 3 years.</p> <p>Loughton Town Council supports the proposal to increase the deferment period from 1 year to 2 years for any person who has refused 2 offers of accommodation in any period.</p> <p>They also support the proposal that the lesser penalty for those downsizing remains</p>	<p>The Communities Select Committee are recommending that the Residency Criteria is increased to 7 years, It is suggested that the Committee's recommendation is agreed and no changes are made to the draft Scheme</p> <p>The Communities Select Committee held the strong view that any person who has committed any act of Unacceptable Behaviour as defined in the draft Scheme should be non-qualifying for a period of 7 years. It is suggested that their recommendation is agreed and no changes are made to the draft Scheme</p> <p>This is in accordance with the Communities Select Committee's recommendation</p> <p>It is recommended that taking into account the views of the Tenants and Leaseholders Panel the numbers of offers within any period before the penalty applies, be increased from three to four for existing tenants of the Council who are under-occupying accommodation and wishing to move to smaller Council accommodation with their application being deferred for a period of twelve months.</p>

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme (continued)

Organisation	Consultation Response	Comments
	<p>Loughton Town Council considers that homeless applicants should be offered a 5 year Flexible (fixed-term) Tenancy rather than the proposed 2 year fixed term which they feel is too severe bearing in mind all new tenants are currently offered 10 year fixed-term tenancies</p> <p>Loughton Town Council supports the proposal to reduce the Residency Criteria from 3 years to 2 years for those leaving supporting housing schemes</p>	<p>The purpose of a 2 year fixed-term tenancy for homelessness applicants is in order for the Council to provide the same length of tenancy required in law when placements are made in the private rented sector. If a 5 year term was granted this would be generally the same period proposed for all new tenants under the new Statutory Guidance on fixed term tenancies which is expected to be issued in 2018. It is suggested that the Committee's recommendation is agreed and no changes are made to the draft Scheme</p> <p>None</p>
<p>Moreton, Bobbingworth and the Lavers Parish Council</p>	<p>The Parish Council supports all of the proposed changes to the District Council's Housing Allocations Scheme as detailed within this consultation</p>	<p>None</p>
<p>North Weald Bassett Parish Council</p>	<p>The Parish Council agree with the changes with the exception of the one regarding the penalty for refusing two offers of accommodation resulting in an application being deferred for a period of 2 years (increased from the current one year). Members believe this is unfair as there may be many reasons that people have for refusing offers</p>	<p>The Communities Select Committee considered that increasing the deferment period would result in less refusals and decrease void periods. No change is therefore suggested.</p>
<p>Epping Upland Parish Council</p>	<p>The Parish Council commented that "the draft Scheme was fair and reasonable"</p>	<p>None</p>

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme (continued)

Organisation	Consultation Response	Comments
Nazeing Parish Council	<p>In relation to the Residency Criteria, under Appendix 4 Paragraph 2 “This states that the Residency Criteria will not apply where properties have been built in rural localities (e.g. Nazeing) under exceptional planning arrangements (Section 106 Agreements). It is not clear what this means. For example, what is the position if a Section 106 Agreement does not contain any locality provisions? Some explanation required. Presumably the other criteria referred to in Paragraph 14 will apply to rural housing schemes but the Council would like this confirmed”.</p>	<p>Amend Paragraph 2.1 to:</p> <p>Where vacancies arise in properties that have been built in rural localities under exceptional planning arrangements (Section 106 Agreements), the Residency Criteria of this Housing Allocations Scheme will not apply. In order to qualify for such vacancies, home seekers must comply with the locality connection in accordance with the occupancy criteria for such schemes as set out in the latest version of the Council’s Local Plan in being at the time. These requirements only apply for specific development sites that have such exceptional planning arrangements. Home seekers who meet with the criteria set out in this Paragraph will only qualify to be considered for other vacancies if they meet all of the requirements of this Housing Allocations Scheme.</p>

Appendix B

Consultation Responses to the Draft Housing Allocations Scheme (continued)

Organisation	Consultation Response	Comments
Local Resident	“Please allow private rented tenants to register on the Council house waiting list...”	Private renting tenants are eligible to join the Council’s Register but only if they qualify under the Scheme. No changes are recommended
Local Resident	“Priority should be given to people already resident in the borough and how long they have been waiting on the list”	Under the draft Scheme it is proposed that the Residency Criteria is increased to 7 years which means people already in the District are given priority provided they qualify. Those on the Housing Register are generally given priority within each Band based on the time they have been on the list. No changes are recommended
Local Resident	“At the moment home seekers only know exactly where they are on the waiting list when they reach 20 or under, why can’t this be higher? Information training to advisors, too many people have been given wrong or contradictory information”	Under the Choice Based Lettings Scheme, when a property has been advertised we are able to explain to bidders whether they are in the top 5 top 10 or top 20 of any shortlist. It is not possible, or of any real benefit to a home seeker, to go beyond the top 20 and stating their position. The comment about training is separate from the Scheme and is noted.

Appendix C

Suggested changes in accordance with the advice received from the external legal advisor

Legal Advice	Officer comments	Changes Made
All reference to any associated Council leaflets should be removed as this “could be controversial” as they have not been consulted upon in accordance with the legislation	All references to associated leaflets should be removed from the draft Scheme	All reference to associated leaflets have been removed from the draft Scheme
The Council should make it clear who the decision-maker is under Paragraph 14.4 of the draft Scheme	This has been incorporated into the draft Scheme	Paragraph 14.4 now makes it clear that the decision-maker will be the Council’s Housing Options Manager
Under Paragraph 14.3 (e) it should refer to Part 7 of the Act	The legislation referred to should be in more detail	Paragraph 14.3 (e) has been amended in the draft Scheme and now refers to Part 7 S193 of the Housing Act 1996
Paragraph 14.3 (f) “in my view it is lawful but there are one or two aspects that steer close to the line and could attract controversy” the requirement for the work to be permanent and for at least 24 hours a week is more restrictive than the relevant Guidance which refers to long-term work for at least 16 hours per week.	Although the Legal Advisor stated that the original Paragraph in an earlier draft should be acceptable providing the Guidance has been taken into account, and the Council has good reason for adopting “a somewhat more stringent criteria” in order to ensure there is no legal challenge officers consider that the requirement should be for long-term work for at least 16 hours per week	Paragraph 14.3 (f) in the draft Scheme has been amended and now refers to long-term work in the District comprising a minimum of 16 hours each week
Paragraph 14.4 is in the Legal Advisors view, lawful	This was added on the advice of the legal advisor due to recent case law	N/A

Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, i.e. have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data are required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. **All Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA.** An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: Housing Allocations

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: Review of the Housing Allocations Scheme

Officer completing the EqIA: Roger Wilson [Tel:01992 564419](tel:01992564419) Email: rwilson@eppingforestdc.gov.uk

Date of completing the assessment: 8 December 2017

Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project? Revision of an existing policy</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision): To allocate Council and Housing Association (where the Council has nomination rights) accommodation in accordance with the Council's policies which are framed in accordance with relevant Codes of Guidance</p> <p>What outcome(s) are you hoping to achieve (i.e. decommissioning or commissioning a service)? Ensuring that the accommodation referred to above, is allocated to those in the highest need</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? <p>Yes</p> <p>Will the policy or decision influence how organisations operate? Yes</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>Associated with mainly the Council's Tenancy Policy and Homelessness Strategy</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, e.g. service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>Each year the Communities Select Committee undertakes a review of home seekers on the Council's Housing Register and lettings to determine whether there is any disparity between the Protected Characteristics of Home seekers on the Housing Register, and those allocated accommodation through the Housing Register. The annual report will be considered by the Committee at its meeting on 16 January 2018. The following main statistics will be reported:</p> <p>The percentage of applicants housed compared to those on the Housing Register under the following Protected Characteristics:</p> <ul style="list-style-type: none"> • Ethnic origin • Religion • Gender Re-assignment • Sexual orientation • Disability • Age • Sex <p>Also, the breakdown of the ethnicity of the population of the District</p> <p>It is being recommended to the Communities Select Committee that no amendments be made to the Council's Housing Allocations Scheme as there is no disparity due to the Protected Characteristics between those on the Housing Register and those housed.</p> <p>A copy of the report to the Communities Select Committee – Annual Review of Protected Characteristics – Home seekers and Lettings is available on request</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>A consultation exercise has been undertaken with partner agencies, and the Tenants and Leaseholders Panel. The Panel are consulted on the Annual Review of Protected Characteristics – Home seekers and Lettings each year. Local Residents were also consulted through the Council's Website.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>N/A</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	The Annual Review of Protected Characteristics – Home seekers and Lettings confirms there has been no impact on those applicants under this Protected Characteristic	L
Disability	The Annual Review of Protected Characteristics – Home seekers and Lettings confirms there has been no impact on those applicants under this Protected Characteristic	L
Gender	The Annual Review of Protected Characteristics – Home seekers and Lettings confirms there has been no impact on those applicants under this Protected Characteristic	L
Gender reassignment	The Annual Review of Protected Characteristics – Home seekers and Lettings confirms there has been no impact on those applicants under this Protected Characteristic	L
Marriage/civil partnership	Although statistical information was not available to be included in the Annual Review of Protected Characteristics – Home seekers and Lettings, the Scheme is framed to ensure there is no impact on those under this Protected Characteristic	L
Pregnancy/maternity	Although statistical information was not available to be included in the Annual Review of Protected Characteristics – Home seekers and Lettings, the Scheme is framed to ensure there is no impact on those under this Protected Characteristic	L
Race	The Annual Review of Protected Characteristics – Home seekers and Lettings confirms there has been no impact on those applicants under this Protected Characteristic	L

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Religion/belief	The Annual Review of Protected Characteristics – Home seekers and Lettings confirms there has been no impact on those applicants under this Protected Characteristic	L
Sexual orientation	The Annual Review of Protected Characteristics – Home seekers and Lettings confirms there has been no impact on those applicants under this Protected Characteristic	L

Section 5: Conclusion		
		Tick Yes/No as appropriate
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No x
		Yes <input type="checkbox"/>
		If 'YES', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts		
What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
None	None	N/A

Section 7: Sign off	
I confirm that this initial analysis has been completed appropriately. (A typed signature is sufficient.)	
Signature of Director of Communities Alan Hall	Date: 8 December 2017
Signature of person completing the EqIA: Roger Wilson	Date: 8 December 2017

Advice
Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, e.g. after a consultation has been undertaken.