

9 January 2018

Dear Councillor,

A meeting of the **SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING** will be held in the **Council Chamber** at these offices on **Wednesday 17 January 2018 at 7.00 p.m.**, when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive

A G E N D A

	Pages
1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.	
2. To receive apologies for absence.	
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.	
4. To confirm the Minutes of the meeting of the Scrutiny Committee for Community, Housing and Planning held on 14 November 2017.	3 - 11
5. To consider any items that the Chairman agrees to take as urgent business.	
6. Review of the Housing Allocation Scheme	12 – 66
7. Site Allocations Plan – Strategic Housing And Employment Land Availability Assessment	67 – 77
8. Review of MSDC's Design Review Panel's Terms of Reference	78 - 87
9. Scrutiny Committee for Community, Housing and Planning Work Programme 2017/18.	88 - 89
10. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.	

To: **Members of Scrutiny Committee for Community, Housing and Planning** – Councillors Barrett-Miles, E. Belsey, Cherry, Coote, de Mierre, Forbes, Hatton, C. Hersey, M. Hersey (Vice-Chairman), A Jones, Matthews, Walker (Chairman), Watts Williams, Wilkinson, Wyan.

**Minutes of the Meeting of the Scrutiny Committee for
Community, Housing and Planning held on 14 November 2017
from 7:00 p.m. to 9:22 p.m.**

Present: Councillors: Neville Walker (Chairman)
Margaret Hersey (Vice-Chairman)

Andrew Barrett-Miles
Edward Belsey
Richard Cherry
Phillip Coote
Ruth de Mierre

Bruce Forbes
Sue Hatton
Chris Hersey
Anne Jones*
Edward Matthews

Anthony Watts Williams
John Wilkinson
Peter Wyan

*Absent

Also Present (Cabinet Members): Cllr Andrew MacNaughton and Cllr Norman Webster.

Also Present (Members): Cllr Llewellyn-Burke, Cllr Brunsdon, Cllr Moore, Cllr Binks, Cllr Whittaker, Cllr Ash-Edwards, Cllr Mockford and Cllr Marples.

1. SUBSTITUTES AT MEETINGS OF COMMITTEE - COUNCIL PROCEDURE RULE 4

Councillor Colin Holden was substituting for Councillor Anne Jones

2. APOLOGIES

Apologies had been received from Councillor Anne Jones.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

The Minutes of the meeting of the Committee held on 12 September 2017 were edited to remove June in the title and then agreed as a correct record and signed by the Chairman.

5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

6. SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

Sally Blomfield, Divisional Leader for Planning and Economy, introduced the report which provided information on the early stages of preparation of the Site Allocations DPD, which included a Call for Sites, the preparation of a Strategic Housing and Employment Land Availability Assessment (SHELAA), and a Site Selection Paper. The Report then set out the proposed arrangements for the establishment of a Member Working Group to oversee the preparation of the Site Allocations DPD and sought the Committee's approval to set up a Working Group. Draft Terms of Reference for the Member Working Group were set out in Appendix 1. Also in the Report Members were informed of the establishment of a

Developer Liaison Group to engage with the development community, and to promote constructive dialogue over both planning policy and development management issues.

A Member asked for clarification on what the Site Selection Paper referred to at paragraph 11 (a) was. He also wished to know whether the Transport and Highways Assessment referred to at paragraph 11 (d) would be undertaken by West Sussex County Council (WSSC) and if not, would WSSC be involved in its preparation and whether it would look at individual sites or the District as a whole.

The Divisional Leader for Planning and Economy clarified to the Committee that the Site Selection Paper will set out a more detailed assessment of the opportunities and constraints of each site and would be a supporting document of the Site Allocations DPD. She also informed the Members that the Transport and Highways Assessment would look at the District as a whole and whilst an external consultant was being commissioned they would work closely with WSSC. The reason for using partners in the private sector was the need to use consultants who could offer expertise on both transport and the air quality impacts.

A Member stated that the Working Group would not allow for appropriate scrutiny. He commented that it should be the Committee that oversees the preparation of the Site Allocations DPD and not a Working Group as the Committee is more transparent and visible to the public. The Member went on to note that there was no mechanism for the Working Group to report back to the Committee. The Member was concerned that if third parties are being consulted on the methodology so should the Scrutiny Committee. He also questioned whether a Working Group would be biased in the allocation of development sites through-out the District.

Judy Holmes, the Assistant Chief Executive, assured the Member that the methodology of the Working Group would be based on those set out in the National Planning Practice Guidance (NPPG). She explained that due to the tight timeframes that have been imposed by the District Plan Inspector a Working Group is needed to support the efficient and robust preparation of the Site Allocations DPD. She went on to explain that sites would be allocated in line with the Spatial Distribution Hierarchy, set out in the District Plan.

The Cabinet Member for Housing and Planning confirmed to Members that the composition of the Working Group would be politically balanced and Members would be chosen from across the District. He also noted that the draft site allocations DPD would come back to the Scrutiny Committee for review, prior to approval by Council.

The Chairman commented that the Working Group would meet regularly, at least on a monthly basis, with the potential for more frequent meetings.

A Member was of the opinion that the Developer Liaison Group could be poorly perceived by the public if there was a lack of transparency. The Assistant Chief Executive clarified to the Committee that the meetings would be minuted and explained that the Council needed to work closely with the development industry to build good working relationships.

A Member noted his support for the report and the Member Working Group but did stress the need for transparency and queried whether a report to the Committee on a quarterly basis should be added to the critical path. It was decided that Officers would review the critical path and check the possibility of more frequent reports to the Scrutiny Committee.

A Member questioned why Officers would be liaising with adjacent authorities and representatives of the development industry on reviewing Site Allocation methodology but not with the Scrutiny Committee.

The Assistant Chief Executive explained that this was a requirement of the NPPG and that Officers needed to consult with third parties as often as possible to mitigate the chances that those parties taking legal action against the Council for not being transparent. She also assured members that this approach was considered to be good practice and was set up on the advice of the ex-Chief Executive of Planning Inspectorate.

A Member commented that when developers have been involved in Council processes before they have used it as a platform to promote their own sites for development instead of working towards the best outcome for the District. He asked how officers would stop them using the Developer Liaison Group in the same way. He also wanted to know who had been approached and how they had been selected. The Divisional Leader for Planning and Economy explained to Members that key local developers had been contacted and invited and to date Officers had received 17 positive replies. The establishment of a Developer Liaison Group would be in line with best practice and would ensure discussion about both policy and development management matters, it was not an opportunity for developers to promote their sites and this would be made clear. Developers had been given the opportunity to promote their sites but now that time was over.

A Member asked whether there would be Member representation on the Developer Liaison group and the Assistant Chief Executive commented that as there could be a conflict of interest for Members they would not be present at the meetings.

The Chairman allowed Councillor Heidi Brunson who was present at the Committee but not a Member to speak. She suggested that developers included in the Liaison Group should sign a memorandum of understanding on any agreements so that the Council had a document binding developers to any promises they make.

The Chairman then noted that no more Members wished to speak so moved to the recommendation with the amendment to 4. (ii) to include the opportunity for the Scrutiny Committee to review the work carried out by the Member Working Group. This was agreed unanimously.

RESOLVED

That the Scrutiny Committee:

- (i) Notes the early stages of the Site Allocations DPD process;
- (ii) Agrees to the establishment of a Member Working Group to oversee the preparation of the Site Allocations DPD but provision would be made for the Scrutiny Committee to review the Groups work;
- (iii) Notes the establishment of the Mid Sussex Developer Liaison Group.

7. AFFORDABLE HOUSING

Judy Holmes, the Assistant Chief Executive, introduced the Report which provided information to the Scrutiny Committee about the Council's roles and responsibilities for meeting housing needs. It included information on the resources available to the Council to meet housing needs given the Council does not have its own housing. Also the report set out the acute challenges that faced the Council in its endeavours to meet the need for affordable housing in Mid Sussex. It proposed a range of potential options available to assist with meeting those challenges.

The Committee noted that the Report was greatly appreciated by the Members and they praised the hard work of specifically Emma Shuttleworth, the Business Unit Leader for Housing Enabling and the rest of the Housing team.

A Member made reference to paragraphs 24 and 27 of the Report and queried how the Council will enforce the Section 106 Agreements entered into by the developer to ensure delivery of affordable housing along with other planning requirements. He also questioned the allocation of the commuted sums.

The Assistant Chief Executive, clarified that in the Committees work programme the Developer Contributions SPD item, will explain to Members how the Council will ensure delivery of affordable housing. The Business Unit Leader for Housing informed the Members that it is currently the Council's policy to use commuted sums for schemes such as the rural exception scheme to make them viable. Although the amount did seem large it did not go far due to the cost of affordable housing units.

The Cabinet Member for Housing and Planning explained that there had been multiple affordable housing units approved however developers were slow to build these units and the Council have been let down by these developers. However, delivery of housing is outside of the Council's direct control.

The Chairman wanted to express his thanks to the Leader and Cabinet for their work on ensuring this issue is being brought forward.

A Member inquired whether it would be possible to add a timeline as he was of the opinion that the proposed approaches in the report would be successful and he wanted it to start as soon as possible.

A Member noted that the changes under Universal Credit to pay tenants their housing benefits directly instead of the landlords would not work in his opinion; he stated that the Council should be working with landlords more closely. The Member queried whether the withdrawal of Affinity Sutton from the Common Housing Register has major effects on the Council's ability to discharge its housing duties. He also mentioned the housing development in Blackwell Hollow and the lack of progress.

The Assistant Chief Executive, explained that under Universal Credit landlords would be able to apply for the housing benefits to be paid directly to them. She also clarified that those tenants living in Affinity Sutton properties now have less choice for transfer options but their withdrawal didn't affect the Council directly.

The Business Unit Leader for Housing, informed the Member that Affinity Sutton were the developers in the Blackwell Hollow development and unfortunately after a long drawn out process had withdrawn. The Council are currently looking for a new developer to take on the site.

A Member commented on the acute challenges that face the Council and how difficult the housing market has become. He also noted that for 2017/18 the current projection for the number of new affordable homes will not be achieved by the end of the financial year, he questioned Officers as to whether there would be a penalty.

The Assistant Chief Executive informed Members that as the Council did not have a 5 year housing land supply it was unable to accurately set the target for affordable housing, but confirmed this was an internal target and there would be no penalty for not achieving it.

A Member asked whether the dimensions of a private sector room were not the same standard as a Housing Association room and were developers able to sell to any Housing Association.

The Business Unit Leader for Housing, answered that both conform with the national space standard size. She went to explain that developers will sell to the highest bidder in the market.

Members questioned whether the Council could help mitigate the difficulties low income households face when looking for rented accommodation. The Assistant Chief Executive commented that the Council is looking at innovative ways to work within the system and that as MSDC doesn't build its own housing it must look at enabling and encouraging others to develop more affordable housing. She confirmed that the Council provide a rent deposit scheme to assist homeless households into private rented accommodation.

A Member queried the parameters and the objectives of the workshop. The Assistant Chief Executive explained that it was to provide Members with information to enable them to make informed decisions on which options to proceed with. Some of the proposals included in the report were quite radical and had huge implications for the Council.

The Business Unit Leader for Housing confirmed to Members that the Council doesn't didn't receive grants from the Homes and Communities Agency however, it does work through Housing Associations to help and support their grant applications. A Member mentioned that an increase in funds to support housing delivery would need to be raised at a Scrutiny Committee for Leader, Resources and Economic Growth.

A Member brought the Committee's attention to the fact that only 22 units of affordable housing were delivered for key workers and conveyed his disappointment. The Business Unit Leader for Housing clarified that this was due to the withdrawal of funding from central Government for this specific Scheme.

The Chairman allowed both Councillor Heidi Brunsdon and Councillor Pru Moore who were present at the Committee but not Members to speak. They commented that the Council was losing control of providing affordable housing due to the reliance on Housing Associations. They also informed the Committee that work done on Council land to supply affordable housing should not aim for immediate financial gain but should look towards future proofing and gaining income through Council Tax.

The Assistant Chief Executive commented that discussions had started on how best to provide more affordable housing on Council owned land but this would be further explored in the workshop.. As the Council gains more control it can decide on which housing associations it works with.

The Cabinet Member for Housing and Planning informed Members that the Council was looking to its own and County land for possible affordable housing and that they were seeking advice from other local authorities. He did warn Members however that there would be a limit to the amount of properties that the Council would be able to afford to build.

The Chairman noted that no more Members wished to speak so moved to the recommendation which was agreed unanimously.

RESOLVED

That the Committee:

- (i) Note the contents of this report and agree to an all Council workshop targeted at exploring the longer term options available to increase the supply of affordable housing.

8. ARMED FORCES COMMUNITY COVENANT PROGRESS REPORT 2017

Regina Choudhury, Community Development Officer, introduced the report which provided Members with an update on progress of the Council's work to support the Armed Forces Community Covenant.

The Chairman noted that the paragraph listings in the Report were wrong and this has been amended in public records.

Members spoke in support of the recommendation and commended the wreath laying on Remembrance Sunday.

A Member questioned how much support is given to ex-service personnel by the armed forces. The Community Development Officer said she will find out and send the information directly to him.

A Member asked whether there is a national quota for employment of ex-servicemen within Local Authorities. The Head of Digital, Communication and Customer Services clarified that under current legislation there isn't a quota.

A Member questioned whether the Council could encourage its partners to also employ ex-servicemen. The Community Development Officer clarified that the Council does encourage employment through the Corporate Community Covenant which has 12 local business signed up. A Member suggested using social media as a tool to encourage more businesses.

The Chairman thanked Councillor Stockwell and the Community Development Officer for the work on the Covenant and he expressed his pleasure at seeing the Council aiming for the Armed Forces Covenant Employer Recognition Scheme bronze award.

A Member asked to amend the recommendation to refer to a 'wholehearted' approach instead of a 'proportionate' approach. The Community Development Officer stated that as the Council is a district without a military base a proportionate response was considered appropriate.

The Chairman noted that no more Members wished to speak so moved to the recommendation as set out in the Report which was agreed with 13 Members in favour and 2 against.

RESOLVED

The Committee were recommended to:

- (i) Endorse the Council's approach to supporting the armed forces community in Mid Sussex in the context of establishing a proportionate approach, given that the district does not include a military base.

9. MID SUSSEX DISTRICT COUNCIL SAFEGUARDING CHILDREN AND ADULTS POLICY

Simon Hughes, Head of Digital, Communications and Customer Services, introduced the Report which outlined the Safeguarding Children and Adults Policy. The policy ensured the Council's responsibility to identifying and responding to concerns around Safeguarding Children and Adults. In order to ensure the policy was understood and implemented across the organisation a training strategy had been developed to deliver the appropriate level of safeguarding training to Council staff.

A couple of Members inquired about the policy position on safeguarding in schools and whether there are policies that cover the elderly and care homes. The Head of Digital, Communications and Customer Services clarified that schools should have their own policies in place however; if something was reported to the Council then the Council would take appropriate steps to see it was investigated. He also informed the Members that care homes would have their own safeguarding policies however he confirmed that if MSDC were informed of incidents at a school or care home they would immediately inform the relevant authorities.

A Member queried whether the Council works with WSCC. The Head of Digital, Communications and Customer Services confirmed that MSDC work alongside WSCC and are part of the West Sussex Safeguarding Adults Board and West Sussex Safeguarding Children's Board.

A Member asked whether MSDC ask partner organisations for information on their safeguarding policies. It was confirmed by the Head of Digital, Communications and Customer Services that MSDC do collect this information.

A Member asked if the Council asks organisations requesting grant funding for their safeguarding policy. The Head of Digital, Communications and Customer Services stated where appropriate the Council did seek this information....

The Cabinet Member for Community informed Members that training on safeguarding is mandatory for all Members and that the list of contacts at the back of the report should be noted by all Members.

The Chairman moved to the recommendations which were agreed unanimously.

RESOLVED

The Committee were recommended to:

- (i) Review the revised Mid Sussex District Council Safeguarding Children and Adults Policy and Training Strategy.
- (ii) Note the publication and response to the West Sussex Serious Case Review Findings.

10. CRIME FIGURES OVERVIEW

Natasha Allen, the Partnerships Manager, introduced the report which provided Members with an overview of the rolling crime and anti-social behaviour (ASB) figures for September, the rolling quarter (July, August and September) and the rolling 12 months (October to September) compared to the previous year for Mid Sussex. This was to enable the Committee to consider whether further information from Sussex Police was required

about the changes to the Local Policing Model and the potential for that to impact on crime figures for Mid Sussex in the future.

The majority of Members agreed with the recommendation

A Member queried whether these statistics were used in the Leaders Corporate Performance Report and the Assistant Chief Executive confirmed that they were already included.

The Partnerships Manager informed Members that these statistics were used as a monitor and did not include targets due to the results being outside the control of the Council.

A Member commented on the need for the public to report every instance of crime. She went on to suggest the Council need to do more to publicise this.

Members were concerned to see a rise in violent crime and a rise in neighbour disputes.

The Partnerships Manager reassured Members that they can take positives from the report as the District has low levels of crime compared to surrounding areas and confirmed that the Council use mediation services to deal with neighbour disputes.

The Cabinet Member for Community stated that Mid Sussex is one of the safest places to live in Sussex however, the precept from the PCC is the fifth lowest in the Country. He informed the Members that the Police and Crime Commissioner had a survey on her website asking how much people would be willing to pay for their Police Force. Also the Commissioner is encouraging members of the public to report all crimes that happen in their area. The Cabinet Member went on to explain to Members that the deployment of Police Officers was now based on the analysis of data and not hearsay.

A Member questioned Officers on whether it was correct that Sussex Police had received the second largest level of cuts in the country. The Assistant Chief Executive commented that Officers would report back to the Member directly on this point.

The Chairman moved to the recommendation which was agreed unanimously.

RESOLVED

The Committee were recommended to;

- (i) Consider the report and whether to invite Sussex Police to provide additional information on the new Local Policing Model.

11. SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME 2017/18

Clare McGough, the Business Unit Leader for Legal Services, introduced the work programme to the Committee.

A Member queried whether the Developer Contributions SPD would replace CIL. The Assistant Chief Executive confirmed that it would not replace the CIL as it is a supporting document relating to developers contributions.

The Chairman moved to the recommendation which was agreed unanimously.

RESOLVED

The Committee agreed the current work programme.

Chairman

6. REVIEW OF THE HOUSING ALLOCATION SCHEME

REPORT OF: Judy Holmes, Assistant Chief Executive
Contact Officer: Emma Shuttleworth, Business Unit Leader, Housing Services
Email: Emma.Shuttleworth@midsussex.gov.uk Tel: 01444 477431
Wards Affected: All
Key Decision: No
Report to: Scrutiny Committee for Community, Housing and Planning
17 January 2018

Purpose of Report

1. To seek the Committee's endorsement of a number of revisions to the Housing Allocation Scheme, for agreement by Council.

Summary

2. Following the implementation on 1st April 2017 of a revised Housing Allocation Scheme the need for further revisions has arisen.
3. This report sets out the amendments proposed to the following aspects of the Housing Allocation Scheme.
 - Applicants who do not qualify to be on the housing register
 - Bidding
4. In addition, a number of minor textual amendments have been made to some paragraphs to clarify, but not change, the meaning.
5. A summary of the proposed revisions has been sent to key partner organisations for their comments. A verbal report will be made to the Committee on any comments that are received.

Recommendation

6. **Members are recommended to endorse to full Council the revised Housing Allocation Scheme at Appendix 1 to take effect from April 2018.**

Background

7. Local authorities can only allocate affordable homes in accordance with their adopted Housing Allocation Scheme.
8. A review of the Scheme provides an opportunity to make minor clarification amendments, the need for which have come to light during the last 12 months of operation.
9. The draft revised Allocation Scheme can be found at Appendix 1. Proposed changes to the Scheme are highlighted on that document and are explained in detail in the remainder of this report.
10. Should the Scheme be approved by Council on 28th March 2018, the changes will take effect for both new and existing applicants from 1st April 2018.

Applicants who do not qualify to be on the housing register

Homeless Acceptances

11. Applicants who do not satisfy the local connection criteria are currently disqualified from joining the Council's housing register, unless there are exceptional circumstances why they should be exempted from such a requirement.
12. It is proposed that this requirement is removed for those who are owed the full housing duty by this Council under the Housing Act 1996. The applicants excluded by this requirement includes those who have fled domestic violence. The current position is unlawful as it is a legal requirement that homeless applicants should be given reasonable preference irrespective of local connection.
13. Furthermore, where the Council owes the full housing duty to applicants who do not satisfy the local connection criteria, this has resulted in these applicants remaining in temporary accommodation, at a cost to the Council for extended periods. This is because the Council has not been able to discharge the housing duty through an offer of social housing until a local connection has been acquired. There are currently 2 households who may benefit from this amendment.

Applicants aged 55 and over and Retirement and Extra Care Schemes

14. Applicants who do not satisfy the local connection criteria are disqualified from joining the Council's housing register. A further amendment is proposed to the current Housing Allocation scheme to add exemption from disqualification for applicants aged 55+ because of a local connection, for those who wish to be considered for Sheltered, Retirement and Extra Care Schemes. Such applicants will only be allowed to bid for such properties. They will be placed in Band D and will have less priority than those who do have a local connection. The policy rationale for this is to facilitate letting hard-to-let sheltered accommodation whilst ensuring that those who satisfy the local connection criteria are not disadvantaged. It will also enable Extra Care scheme vacancies to be taken up by applicants from the wider West Sussex area if there is no one from Mid Sussex who needs the vacancy. This will assist in relieving pressures on the West Sussex care budget. The care element in Extra Care is block commissioned by West Sussex.

Bidding

Homeless Acceptances and number of bids

15. The Scheme currently restricts the number of bids applicants can make to 3 per fortnightly bidding cycle.
16. It is proposed that we increase the number of bids permitted for applicants in temporary accommodation where Council owes the full housing duty under the Housing Act 1996, from 3 to unlimited.
17. The policy change rationale is to afford such applicants the best chance of making a successful bid and to move on from temporary accommodation as soon as possible.

18. It is acknowledged there may be minimal impact from this change as the number of available properties is the main reason that restricts bids as opposed to the number of bids allowed. However it is still proposed to make this change so that advantage can be taken to bid on more than 3 properties when the opportunity presents. This will help to reduce the time applicants currently spend in temporary accommodation and reduce the cost of temporary accommodation.

Homeless Acceptances and auto/direct bids

19. The Scheme currently provides that where the applicant is homeless and is owed a full housing duty under the Housing Act 1996, they have 12 weeks from the date the statutory duty was accepted during which the applicant is able to bid freely for properties. Within the 12 week time limit, applicants who successfully bid for a home may reject an offer of a tenancy without any penalty. After the 12 week time limit has expired, the Homemove Team and the Council's Housing Needs Team may make Direct Bids on their behalf.
20. It is proposed in future to allow for Direct and Auto Bidding for applicants to whom the Council owes the full housing duty and who are in temporary accommodation. This will run in tandem with any bids made by the applicants and will apply during the 12 week time limit for free bidding.
21. This amendment is proposed to ensure that such applicants do not miss out on opportunities to successfully bid for a home should they forget to bid and to facilitate the move on from temporary accommodation as soon as possible.

Policy Context

22. A sound housing allocation scheme contributes to meeting the Council's aim to deliver opportunity and quality of life for all. Having a fair and transparent scheme that helps prevent homelessness and promote choice is also an integral part of the Council's Housing and Homelessness Strategies and Tenancy Strategy.

Other Options Considered

23. Any options considered are set out in the report.

Financial Implications

24. The proposed amendments to the Housing Allocation scheme may result in a saving on the Council's on temporary accommodation costs.

Risk Management Implications

25. There is always a risk that when changes are made to allocation schemes some unintended consequences arise. Any such impacts will be identified through the regular quarterly review of the Allocation Scheme, and options to address any such issues would be brought before this Committee.

Equality and Customer Service Implications

26. Changes to the Housing Allocation Scheme have been the subject of an Equality Impact Assessment. None of the proposals contained in this report will reduce the priority for social housing that is currently given to any protected group.
27. The implementation of the allocation scheme is regularly monitored, and this will enable us to keep the impact of all of these changes under review.

Other Material Implications

28. None

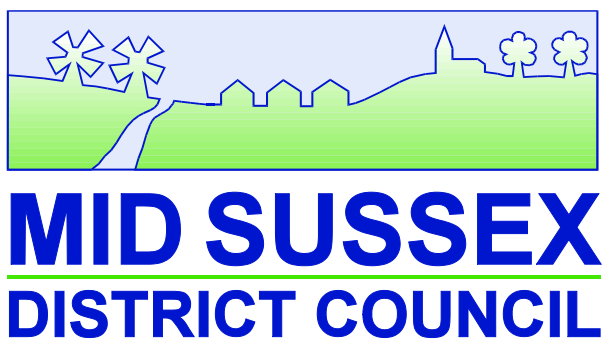
Background Papers

29. None.

DRAFT

MID SUSSEX DISTRICT COUNCIL HOUSING ALLOCATION SCHEME

Choice-Based Lettings with effect from **April 2018**



MID SUSSEX DISTRICT COUNCIL
HOUSING ALLOCATION SCHEME
(Choice-Based Lettings with Sussex Homemove)

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Introduction and overview

1. INTRODUCTION

1.1 Since the transfer of its rented homes in 1990 to a housing association now known as Affinity Sutton, the District Council no longer owns or manages any social housing available for long term renting. It does, however, have extensive formal and informal nomination rights for homes owned by housing associations which enable it to put forward prospective tenants for social housing owned by those landlords and this Housing Allocation Scheme applies to those nominations.

1.2 Part VI of the 1996 Housing Act (as amended by the Homelessness Act 2002 and the Localism Act 2011) requires that the Council has, and publishes, an Allocation Scheme which sets out how it decides who to put forward as a prospective tenant of a housing association. The Scheme must show how the Council awards priority to particular descriptions of applicants and the procedure that is followed in allocating housing.

This Housing Allocation Scheme, which has been approved by elected Members, is intended to meet these legal obligations and has been framed with due regard to the Council's published Housing Strategy, Homelessness Strategy and Tenancy Strategy.

1.3 In Mid Sussex, applying through the Mid Sussex Common Housing Register is the usual route to social housing for most people, including, with certain exceptions (see **11.3**), current tenants of social landlords living either inside or outside Mid Sussex who wish to move to a home in the district owned by their own landlord or a different social landlord.

1.4 The Allocation Scheme sets out who does not qualify to go on the housing register; how priority is given to Applicants with differing housing circumstances; and the procedures that are to be followed when applicants are selected to be allocated accommodation by the Council.

1.5 **Effective Date**

This Housing Allocation Scheme will take effect in respect of all allocations of housing on or after **1st April 2018** and qualifying criteria set out at **11** below will be applied to new and existing Applicants from this date.

1.6 **Qualifying/Eligibility criteria**

The Council will only arrange housing for an Applicant if they are 'eligible' and 'qualify' for social housing and their name appears on the Mid Sussex Common Housing Register.

- The rules which govern who is 'not eligible' for housing are set out in Part VI of the Housing Act 1996 and details of this are given at **10** below.
- The rules covering who does not 'qualify' for social housing are set out at **11** below.
- Applicants may cease to be eligible or to qualify if they cease to meet the relevant criteria set out at **10** or **11** and may then be removed from the housing register.
- Applicants may also cease to qualify if they fail to bid for a home in a period of 12 months (see **11.4** below)

1.7 **Priority Bands**

An Applicant's priority for housing is assessed by assessing the housing needs of their household and comparing them against the needs of other Applicants. By law the Council must give reasonable preference to certain categories of Applicant who are on its housing register, and these categories are set out at **7** below. The law allows the Council to give

different priority to Applicants falling within these categories and details of how it does this are set out in the Scheme.

Applicants are placed in one of four broad Bands of housing need according to their circumstances. Applicants are ranked in date order within each Band by the date they registered or moved into a higher Band. However, in some circumstances where an Applicant has been allowed to join the register, despite not satisfying the local connection criteria, they may be afforded reduced priority than those who do have a local connection.

1.8 **Choice-Based Lettings through Sussex Homemove (www.homemove.org.uk)**

Since April 2010 the Council has adopted a Choice-Based Lettings Scheme which is operated through a countywide partnership called Sussex Homemove.

An Applicant's permission to share their personal information with all Sussex Homemove partner organisations is a condition of being accepted on the Council's housing register as set out at **12.12** (Data Protection) below.

Vacant homes in Mid Sussex are advertised in a regular electronic magazine on the internet at www.homemove.org.uk . Applicants who are registered on the Mid Sussex Common Housing Register may actively 'bid' for (express an interest in) any home that matches their need. With certain exceptions, the successful 'bidder' will be the highest placed suitable applicant in the highest Priority Band.

1.9 **The Council's policy on offering choice and preference** to housing applicants is set out at **6** below.

1.10 **'Affordable Rented homes', 'Social Rented Homes' and 'Flexible Tenancies'**

Since April 2011 housing associations have been allowed to offer some homes for rent at 'Affordable Rents' set at a maximum of 80% of market rents in the private sector. These rents are higher than the 'Social Rents' that other social housing is let at. All advertisements of homes will indicate which type of rent applies and will also detail the actual rent payable so that this is clear to any Applicant who bids.

The way Applicants are selected, and the way bids from Applicants are prioritised, is the same whether the rent is set as an 'Affordable Rent' or at a 'Social Rent'.

Housing associations are now also allowed to offer homes for rent on Flexible Tenancies for a minimum fixed term of 5 years on an assured shorthold tenancy rather than on a permanent assured tenancy, as they have normally done previously.

Most fixed term tenancies will be renewed when they come to an end, but this cannot be guaranteed. At the end of a fixed term tenancy the tenancy and the individual tenant's circumstances will be reviewed by the housing association landlord. At that stage the tenancy may be renewed for a further fixed term or in some circumstances may be ended.

It is possible that a tenancy might not be renewed if the tenant has not complied with their tenancy agreement (e.g. they have rent arrears), or they no longer need the accommodation because their income is now high enough for them to afford to buy or rent privately. A tenant could also be asked to move at the end of their fixed term to a different affordable home if the home they occupy is more suitable for someone else e.g. because some of their family have moved away and they no longer need so many bedrooms. The housing association landlord will be able to advise the tenant about its own particular policies on renewing tenancies.

1.11 **Direct Allocation of some homes**

Some homes (e.g. most supported housing) are allocated direct to Applicants and are not advertised through choice-based lettings. Details of rules associated with the Direct Allocation of these homes are set out at **48** below.

1.12 **In summary, the Allocation Scheme explains:**

- Who is excluded from joining the housing register (see **9-11**)
- How to apply, register and renew an application (see **12-13**)
- The Priority Bands and categories of need within them (see **14-17**)
- Assessment of housing need and banding (see **18-27**)
- How Transfer requests are managed (see **28**)
- How we advertise homes to let (see **29-30**)
- How to bid (see **31-35**)
- How we prioritise bids (see **36-45**)
- The letting process (see **47**)
- Direct allocation of some homes (see **48**)
- Other housing options available to applicants (see **49**)

2. THE MID SUSSEX COMMON HOUSING REGISTER

2.1 The Mid Sussex Common Housing Register is a partnership between Mid Sussex District Council and housing associations who provide homes in the district. It is a list of people (and their details) who want to apply for social housing in Mid Sussex.

2.2 The purpose of the Common Housing Register is to make it easier for Applicants to be considered for housing by the Council and all the housing associations in the partnership, without them having to complete a separate form for each one.

2.3 The current housing associations who are our Common Housing Register partners are as follows:

Accent Peerless	Raven Housing Trust
East Grinstead Housing Society	Saxon Weald Housing Association
Hanover Housing Association	Shaftesbury Housing Association
Hastoe Housing Association	Southdown Housing Association
Home Group	Southern Housing Group
Hyde Martlet Housing Association	Sussex Housing & Care
James Butcher Housing Association	Sussex Oakleaf Housing Association
London & Quadrant Housing Trust	The Guinness Trust
Moat Housing Group	The Little Black Bag Housing Association
Raglan Housing Association	Franklands Village HA (associate member)

2.4 The Council's Common Housing Register is administered under contract by the Homemove Team at Affinity Sutton Housing. Staff in the Homemove Team process all applications from Applicants and assess which Band they should be placed in according to their housing need as set out in this Allocation Scheme.

All applications and enquiries about the Common Housing Register should be made to the following address:

**The Homemove Team
Affinity Sutton
Upton House
7 Perrymount Road
Haywards Heath
RH16 3TN**

Tel: 0300 100 0303

Email: MidsussexHomemove@affinitysutton.com

3. WHO CAN APPLY TO JOIN THE COMMON HOUSING REGISTER

3.1 **Any Applicant aged 16 or above** may apply to join the register, although some may not be eligible or qualify to join (see **9-11** below).

An Applicant under the age of 18 will not usually be allocated accommodation. Exceptions may include:

- an Applicant who has been accepted for housing by the Council because they were homeless
- an Applicant who has been in the Care of Social Services or otherwise considered to be vulnerable and will be receiving on-going support

A guarantor may be required by some Registered Social Landlords when letting to an Applicant who is under 18.

3.2 **Some existing social housing tenants who wish to apply for a transfer** may also join the register (see **28** below). However, with certain exceptions, existing tenants of housing associations who provide them with alternative access to their housing stock in Mid Sussex, and have therefore opted out of the Common Housing Register partnership, will not be 'qualifying persons' and will not be able to join the register, as set out at **11.3** below.

Details of how transfers are dealt with are set out at **28** below.

3.3 **Who can be included on the application?**

- Anyone who is part of the Applicant's household and residing with the Applicant
- Anyone who normally resides with the Applicant or who it would be reasonable to expect to live with the Applicant
- Children can normally only be included if they normally live with the Applicant and the Applicant can demonstrate that they have responsibility for them (see **18.3** below)

4. AN APPLICANT'S RIGHT TO REQUEST GENERAL INFORMATION

4.1 An Applicant has the right to request general information that will enable them to assess:-

- How their application is likely to be treated under the Allocation Scheme and, in particular, whether they are likely to fall within the reasonable preference categories;
- Whether accommodation appropriate to their needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available.

4.2 We aim to make available comprehensive information on the whereabouts of social housing stock in the District, broken down by town and village and size of accommodation, together with details of how often vacancies have occurred. Up-to-date information, when

available, will be made available on the Council's website www.midsussex.gov.uk/homemove.

- 4.3 We also aim to publish anonymised information on housing register Applicants and those who are selected for housing to strengthen public confidence in the fairness of our Allocation Scheme.
- 4.4 The law prohibits us from divulging to other members of the public that a particular individual is an Applicant without their consent. All information about individual Applicants is kept strictly confidential.
- 4.5 All enquiries and requests for general information should be made to the Homemove Team at Affinity Sutton.

5. NOTIFICATION OF DECISIONS AND THE RIGHT TO APPEAL

- 5.1 An Applicant has the right, on request, to be informed of any decision made by the Homemove team concerning his/her application for housing.
- 5.2 An Applicant who is unhappy with any decision made on their case should first raise the matter with the Homemove Team who will informally review their decision.
- 5.3 An Applicant who is still unhappy with a decision has the right to request a formal review and to be notified in writing of the review decision and the grounds for it.
- 5.4 A request for a formal review must be made within 21 days of the Applicant being notified of the decision (or the outcome of an informal review as described at **5.2** above). Any request must be in writing and should indicate why the Applicant believes the decision is wrong.
- 5.5 The review request should be made to the **Housing Needs Team Manager, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath RH16 1SS**. The Housing Needs Team Manager or their deputy will undertake the review and will notify the Applicant of the decision within eight weeks of the request being made or such longer period as may be agreed in writing.
- 5.6 An Applicant who is considering requesting a review may find it helpful to consult a Citizens Advice Bureau, Shelter, or perhaps a solicitor on how best to do this.
- 5.7 Where the Housing Needs Team Manager or their deputy was a party to the decision being challenged, the review will be undertaken by the Business Unit Leader for Housing Services.
- 5.8 If an Applicant considers that the review decision is wrong, the Applicant may wish to get advice from a solicitor or other adviser as to what options are available to them.

6. OUR POLICY ON OFFERING CHOICE AND PREFERENCE TO HOUSING APPLICANTS

- 6.1 The Council is committed to giving people greater choice in where they live. Our aim is to take account of people's views about where they wish to live and who they wish to have as a landlord. We wish to balance the real housing needs of people who apply for housing with the need for sustainable communities where people want to live. We believe that

people who have a part to play in the decision about where they live are more likely to contribute to their community and to encourage others to do the same.

- 6.2 To assist Applicants to make informed choices about their future housing we will provide them with accurate and relevant information about the stock of social housing in the district together with details of the number of lettings in previous years to enable them to assess the likelihood of them successfully obtaining housing of the type and in the area they wish to live.
- 6.3 We are committed to a system of Choice-Based Lettings in which applicants are encouraged to actively search for a home. Vacant housing association homes are advertised in a regular electronic magazine published every two weeks on the internet and in paper form to applicants in high housing need who do not have internet access. Applicants are able to express an interest, or 'bid', for suitable homes they like.
- 6.4 Applicants are placed in one of four broad Priority Bands of housing need according to their housing circumstances. With certain exceptions, the successful Applicant will be the person who bids who has the highest housing need and who has been registered with that need the longest.
- 6.5 **Refusing an offer of accommodation**
With certain exceptions we will not normally penalise Applicants who, having successfully bid for a home, subsequently refuse an offer of accommodation.

7. THE CATEGORIES OF APPLICANT TO WHOM WE MUST GIVE REASONABLE PREFERENCE

- 7.1 The law says we must give reasonable preference to certain categories of people on our register when we decide who to offer accommodation to. The Allocation Scheme therefore takes account of these categories and does so by placing people in an appropriate Priority Band, although the priority given to each category is not necessarily equal.
- 7.2 **The categories of people the law says we must give reasonable preference to are as follows:-**
- (a) People who are homeless (within the meaning of Part VII of the Housing Act 1996;
 - (b) People who are owed a duty by any housing authority under the following sections of the Housing Act 1996:-
 - s.190(2) (intentionally homeless and in priority need);
 - s.192(3) (non-priority need homeless who are occupying accommodation arranged by the Council);
 - s.193(2) (unintentionally homeless and in priority need);
 - s.195(2) (threatened with homelessness intentionally and in priority need);
 - (c) People occupying unsanitary or overcrowded housing or otherwise living in unsuitable housing conditions;
 - (d) People who need to move on medical or welfare grounds, including any grounds relating to a disability;
 - (e) People who need to move where failure to meet that need would cause hardship (to themselves or to others).

8. EQUALITY AND DIVERSITY

- 8.1 Mid Sussex District Council is committed to the principle of equal opportunity and accessibility in relation to affordable housing and full regard to the Equality Act 2010 has

been given when drafting this Allocation Scheme. We seek to ensure that all housing Applicants are treated fairly and that no one receives less favourable treatment on the grounds of age, disability, gender, religion, race, ethnic or national origin, sex, sexual orientation, gender reassignment or any other factor that might cause disadvantage that cannot be justified.

- 8.2 Mid Sussex District Council is committed to helping anyone who needs assistance in accessing affordable housing in the District. The Homemove Team will work closely with all agencies to assist customers wherever possible. As part of the Homemove Partnership's commitment to equalities, an Equality Impact Assessment has been undertaken which includes the basis of this Allocation Scheme. Additionally, the Council has undertaken its own Equality Impact Assessment on any changes to its Allocation Scheme as and when they are introduced.
- 8.3 In order to ensure that all applicants are treated fairly, equality monitoring information is requested on the housing application form. Additionally, equality monitoring of the allocation of accommodation is undertaken.

Who is excluded from joining the register

9. OVERVIEW

- 9.1 Although anyone aged 16 or above may apply to join the Common Housing Register, the law does not allow the Council to allocate accommodation to people unless they are 'eligible for an allocation of accommodation' and such people will not be allowed to join the register. For a description of who is 'not eligible' see **10** below.
- 9.2 In addition, the law allows the Council to disqualify other categories of people from joining or remaining on the register. For a description of who does not 'qualify' see **11** below.
- 9.3 Applicants may cease to be eligible or qualify if they cease to meet the relevant criteria set out at **10** or **11** and may then be removed from the housing register. Applicants may also cease to qualify if they fail to bid for a home in a period of 12 months (see **11.4** below)
- 9.4 Any Applicant who is excluded from the register will be notified in writing by the Homemove Team of the decision, the grounds upon which it was based and of their right to request a review of that decision. Details of the procedure for requesting a review of such a decision are set out at **5** above.
- 9.5 The Homemove Team will also notify the Council's Housing Needs Team Manager of any Applicant found not to 'qualify' because of unacceptable behaviour under **11.7** in writing and with full reasons.

10. APPLICANTS WHO ARE 'NOT ELIGIBLE' FOR SOCIAL HOUSING

- 10.1 The Housing Act 1996 (as amended by the Localism Act 2011) sets out two categories of Applicant who are 'not eligible' and may not join the register. The two categories are as follows:
- Persons subject to immigration control who are 'not eligible'. See **10.2** below.
 - Other persons from abroad who are not eligible. See **10.3** and **10.4** below.

The law does not allow the Council to allocate a joint tenancy to two or more people if any one of them is considered not to be eligible.

10.2 Persons subject to immigration control who are 'not eligible'

Anyone who is subject to immigration control is 'not eligible' unless they fall into one of the following categories:

- (a) a person who has been granted refugee status and who has leave to enter or remain in the UK; or
- (b) a person who has exceptional leave to enter or remain in the UK granted outside the provisions of the immigration rules - provided that there is no condition that they shall not have recourse to public funds; or
- (c) a person who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the UK is not subject to any limitation or condition.
- (d) a person who has humanitarian protection granted under the Immigration Rules.

10.3 **Other persons from abroad who are 'not eligible'**

Anyone who has come from abroad who is not subject to immigration control will be 'not eligible' if they are not habitually resident in the UK, the Channel Islands, the Isle of Man, or the Republic of Ireland, unless they fall within one of the following categories:

- (a) an EEA national (i.e. from any EU country, plus Iceland, Norway and Liechtenstein) who is a 'worker' or is self-employed; or
- (b) a person who is an accession state worker from Croatia requiring registration who is treated as a worker; or
- (c) a person who is an immediate family member of a person in (a) or (b) above;
- (d) a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations; or
- (e) a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK.

10.4 **Additional persons from abroad who are 'not eligible'**

A person who is not subject to immigration control will be 'not eligible' if their only right to reside in the UK

- (a) is derived from his status as a jobseeker or the family member of a jobseeker; or
- (b) is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations; or
- (c) his/her only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in (b) which is derived from the Treaty establishing the European Community.

11. **APPLICANTS WHO DO NOT QUALIFY TO BE ON THE HOUSING REGISTER**

11.1 The Housing Act 1996 (as amended by the Localism Act 2011) allows the Council to decide that some categories of Applicant do not qualify to join the housing register. The Council has decided that the following categories of Applicant do not qualify to join the housing register:

- a) Applicants without a Local Connection to Mid Sussex (see **11.2**)
- b) Applicants who are existing tenants of a housing association that provides its tenants with alternative access to its housing stock in Mid Sussex (see **11.3**)
- c) Applicants who have been registered for at least 12 months who have not 'bid' on a home in the preceding 12 months (see **11.4**)
- d) Applicants whose annual household gross income exceeds £60,000 (see **11.5**)
- e) Applicants who own accommodation; have a legal interest in homeownership; or have the financial resources to own accommodation (see **11.6**)
- f) Applicants whose unacceptable behaviour is serious enough to make them unsuitable to be a tenant. (see **11.7**)
- g) Applicants who are found to have given false information or have withheld relevant information in connection with their application for housing (see **11.8**).

11.2 **Applicants without a Local Connection to Mid Sussex do not qualify to be on the housing register**

Applicants who do not have a Local Connection with Mid Sussex do not qualify to join the housing register unless they are exempted as set out at **11.2.1** or **11.2.2** or **11.2.3** or **11.2.4** or **11.2.5** below.

To establish a 'Local Connection' with Mid Sussex an Applicant or joint Applicant must (with certain exceptions as set out below) meet at least one of the following criteria:-

The Applicant or joint Applicant has a Local Connection if s/he

- a) resides in the District as their only or principal home and has done so for the previous 2 years; or
- b) has resided in the District as their only or principal home for a period of at least 3 years in aggregate out of the previous 5 years; or
- c) is in paid employment in the District (working 16 hours or more a week) and has been for the previous 2 years; or
- d) has close relatives who reside in the District as their only or principal home and have done so for at least the previous 5 years, or the previous 2 years if the Applicant is aged 65 or over. Close relatives will normally only cover parents, adult children or brothers or sisters, including corresponding step relationships. Grandparents, grandchildren, aunts or uncles and non-adult children will normally be included only where the Council considers that it is necessary for the Applicant to be accommodated within the District in order to provide or receive significant and essential medical or social support to/from the relative.
- e) is a care leaver who is owed a continuing duty under s.23C of the Children Act 1989 by West Sussex County Council; or is owed that duty by another authority but has resided in Mid Sussex for at least two years, some or all of which falls before they turned 16.

If an Applicant ceases to meet the Local Connection criteria they will cease to qualify.

11.2.1 **Armed Forces Personnel – exemption from Local Connection qualifying criteria**

Armed Forces Personnel do not need to meet the Local Connection criteria set out at **11.2** above to qualify if they are an Applicant who

- a) is serving in the regular forces or who has served in the regular forces within the previous 5 years; or
- b) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who has served in the regular forces and whose death was attributable to their service; or
- c) is serving or has served in the reserve forces and who is suffering from serious injury, illness or disability which is attributable to their service.

For this purpose "the regular forces" and "the reserve forces" have meanings given in section 374 of the Armed Forces Act 2006(b).

Additional priority is given to bids from Armed Forces Personnel - see 43
(Armed Forces Personnel – additional priority, special rules).

11.2.2 **Right to Move – exemption from Local Connection qualifying criteria**

Existing social tenants of accommodation in England who wish to exercise their Right to Move to a social tenancy in Mid Sussex for employment reasons do not have to meet the Local Connection criteria set out at **11.2** above to qualify if they are an Applicant who

- a) is already either a secure or introductory tenant of a local authority or an assured tenant of a private registered provider; and

- b) needs to move to a particular locality in the district, where failure to meet that need would cause hardship (to themselves or others); and
- c) needs to move because they work, or have been offered work, in Mid Sussex. In the case of an offer of work the Council must be satisfied that the Applicant has a genuine intention of taking up the offer of work. A need to move which is associated with work, or the offer of work, which is a short-term or marginal in nature, ancillary to work in another district, or voluntary work will not qualify for exemption under this paragraph.

Applicants exempted under this paragraph will be placed in Band C, category (h) but will be given less priority than other Applicants in Band C who do have a local Connection with Mid Sussex or are exempted from requiring one under paragraphs 11.2.1, See 27 below (The Right to Move)

Right to Move quota – Allocation to those Applicants who qualify for exemption under this paragraph is limited to a maximum of 1% of properties allocated each year, amounting to 3 or 4 properties per year. The Council considers this to be reasonable, taking into account the particularly high demand that exists from other Applicants who do have a Local Connection with Mid Sussex and the small number of requests that are likely to be made under the Right to Move. This quota will be reviewed in the light of changing circumstances.

11.2.3 Homeless Acceptances – exemption from Local Connection qualifying criteria

An applicant to whom Mid Sussex District Council has accepted the main housing duty (under s.193 of the Housing Act 1996) which is continuing and the Council has not referred the duty to another council, do not need to meet the Local Connection criteria set out at 11.2 above.

11.2.4 Applicants over 55 applying for Sheltered/Extra Care Schemes only – exemption from Local Connection qualifying criteria

Such applicants do not need to satisfy the Local Connection qualifying criteria set out at 11.2 above but can only bid on and be considered for Sheltered and Extra Care Schemes. Applicants exempted under this paragraph will be placed in Band D and will be given less priority than other Applicants who do have a local Connection with Mid Sussex.

11.2.5 Other exemptions from Local Connection qualifying criteria

Other Applicants who cannot meet the Local Connection criteria set out at 11.2 above may be allowed to qualify, in exceptional circumstances only, at the discretion of the Council's Housing Needs Team Manager or their deputy. In such cases the Applicant should request a formal review of a decision by the Homemove Team that they do not qualify, as set out at 5 above.

To be exempted from the Local Connection criteria under this paragraph the Housing Needs Team Manager or their deputy will normally need to be satisfied that the Applicant's circumstances are exceptional and that there is a particular need for the Applicant to live in Mid Sussex to meet their housing need and a particular reason why that housing need can only be met in social housing rather than in the private rented sector.

11.3 Existing tenants of a housing association that provides its tenants with alternative access to its stock in Mid Sussex do not qualify to be on the housing register

With certain exceptions, existing tenants of a housing association that provides its tenants living inside or outside Mid Sussex with an alternative means to transfer to a tenancy within its housing stock in the District, by retaining a proportion of its lettings to facilitate this or by limiting the Council's nomination rights to a proportion of its vacancies, do not qualify.

Exceptions:

- (a) An exception will be made for Affinity Sutton tenants who are in need of Extra Care housing; or supported housing allocated by a Multi-Agency Panel (see **48.3**); or who require (or currently occupy) housing that is wheelchair accessible or fully wheelchair adapted and are in Mobility Group 1 or 2 (see **20.1**). Any applicant to whom this exception applies will be considered for such accommodation only.
- (b) An exception will be made for tenants of Franklands Village Housing Association on the basis of an agreement that, despite the Council having no formal nomination rights to its stock whatsoever, the Association will none-the-less offer a like-for-like reciprocal to a Council nominee in the event that one of its tenants is re-housed under this Allocation Scheme.

11.4 Applicants who have been registered for at least 12 months who have not 'bid' on a home in the preceding 12 months do not qualify to be on the housing register

Applicants who have been registered for at least 12 months but have not bid on a home within the preceding 12 months cease to qualify to be on the Council's register and may be removed.

It is considered that Applicants who are not regularly bidding for homes are unlikely to be in sufficient housing need to qualify.

The Homemove Team will, at its discretion, make exceptions to this where it considers that there is a reasonable explanation for the Applicant's inactivity. Sensitivity will be applied, for example, where the Applicant is identified as being particularly vulnerable or in need of a specific type of property which does not commonly become available to let.

Applicants who are disqualified due to their inactivity may make a fresh application by completing a fresh application form. However, their earlier Priority Date will not be retained.

11.5 Applicants whose annual household gross income exceeds £60,000 do not qualify to be on the housing register

Applicants whose annual combined household gross income exceeds £60,000 do not qualify.

11.6 Applicants who own accommodation, have a legal interest in homeownership, or have the financial resources to own accommodation do not qualify to be on the housing register

(a) Homeownership or legal interest in homeownership - Applicants who own or part own accommodation or who have a legal interest in home ownership (for example through marriage or civil partnership in accommodation owned by their spouse or civil partner) do not qualify.

However, if as a result of a divorce settlement a Court has ordered that the Applicant may not reside in the former matrimonial or civil partnership home in which they still have a legal interest for a period which is likely to exceed 5 years, then the Applicant will be treated as if they do not own or part own accommodation.

(b) Financial resources - Applicants who are considered to have sufficient financial resources to buy suitable accommodation in Mid Sussex also do not qualify. Sufficient financial resources means sufficient capital to buy; or sufficient income to raise a mortgage to buy; or a combination of both. It is considered that normally a mortgage can be obtained amounting to 3 times a single annual income or 2½ times joint annual incomes in addition to a suitably sized deposit. 'Sufficient capital' includes any assets or investments even if they are not immediately available to the Applicant, such as any residential or non-residential property that they own or part own anywhere in the world. However, any lump sum received by a member of the Armed Forces as compensation for an injury or disability on active service is disregarded.

11.6.1 **Exemption from disqualification for some Applicants who are substantially disabled or over pension age**

Applicants who do not qualify under the criteria set out above at **11.6** may be considered as an exception by the Homemove Team if:

- they own or part own accommodation or have a legal interest in accommodation; and
- they are over state pension age or have a substantial disability; and
- their current home is not suitable for their specific needs; and
- they have insufficient financial resources to buy accommodation that meets their particular housing needs in the private market in Mid Sussex

This exemption is intended to cover situations where a person owns their own home but is no longer able to manage in it due to their advancing years or due to developing a substantial disability that makes living in their home impracticable. Where selling up would not provide sufficient funds to purchase a more suitable alternative in Mid Sussex, such people can find themselves in a difficult position. This paragraph allows such cases to be considered on their individual merits.

11.6.2 **Other exemptions from disqualification**

Other Applicants who do not qualify under the criteria set out above at **11.6** may be allowed to qualify, in exceptional circumstances only, at the discretion of the Council's Housing Needs Team Manager or their deputy. In such cases the Applicant should request a formal review of a decision by the Homemove Team that they do not qualify, as set out at **5** above.

11.7 **Applicants whose unacceptable behaviour is serious enough to make them unsuitable to be a tenant who do not qualify to be on the housing register**

Where the Council is satisfied that the Applicant (or a member of their household) is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Council the Applicant does not qualify.

The Homemove Team will notify the Council's Housing Needs Team Manager of any Applicant found not to qualify because of unacceptable behaviour in writing and with full reasons.

The only behaviour which can be regarded as unacceptable for these purposes is behaviour by the Applicant or by a member of their household that would – if the Applicant had been a Council tenant at the time – have entitled the Council to a possession order under s.84 of the Housing Act 1985 in relation to any of the grounds (other than Ground 8) in Part I of Schedule 2 to that Act. These are fault grounds and include behaviour such as conduct likely to cause nuisance or annoyance, and use of the home for immoral or illegal purposes.

There is no need for the Applicant to have actually been a Council tenant when the unacceptable behaviour occurred. The test is whether the behaviour would have entitled the Council to a possession order if, whether actually or notionally, the Applicant had been a secure tenant.

If an Applicant, who has in the past been deemed by the Council not to qualify, considers their unacceptable behaviour should no longer be held against them as a result of changed circumstances, they can make a fresh application. Unless there has been a considerable lapse of time it will be for the Applicant to show that their circumstances or behaviour have changed.

11.8 **Applicants who are found to have given false information or have withheld relevant information in connection with their application for housing do not qualify to be on the housing register**

Where an Applicant is found to have given false information or withheld relevant information in connection with their application for housing they will not qualify, and if already registered will be removed from the Council's housing register as set out at **12.11** (Providing false information) below.

How to apply, register and renew an application

12. HOW TO APPLY

- 12.1 Application to register on the Mid Sussex Common Housing Register must be made by completing an application form. This is most easily done by completing our online form on the internet which can be found on the Council's website at www.midsussex.gov.uk/homemove.
- 12.2 If an Applicant cannot access the internet, or needs any help completing the form, they should contact The Homemove Team, who are based at Affinity Sutton Housing, for assistance. Alternatively, paper copies can be obtained from the Homemove Team. The Homemove Team has arrangements in place for interpretation for people whose first language is not English.
- 12.3 All correspondence in connection with a housing application should be sent to the **Homemove Team, Affinity Sutton, Upton House, 7 Perrymount Road, Haywards Heath, RH16 3TN** or emailed to MidsussexHomemove@affinitysutton.com
- 12.4 Applications will not be registered until all information has been received by the Homemove Team that they consider is necessary to assess an application.
- 12.5 When an application is registered, notification will be sent to the Applicant confirming the registration and which Band they have been placed in, along with the right to request a Review of the decision.
- 12.6 **Medical circumstances**
If the Applicant or a member of their household has a 'Medical Need' to be rehoused, i.e. has any significant medical issue that is directly affected by the Applicant's current housing circumstances and would be relieved by rehousing, then the Medical Circumstances section of the form should be completed. Applicants may supply letters of support from their GP, Consultant etc. if they wish. For more information about how 'Medical Need' is assessed, see **19** below.
- 12.7 **Needing to move for care and support reasons**
Where the Applicant or a member of their household has a need to move for care and support reasons, the Housing Support section of the form should be completed. This should also be completed where the Applicant needs to move in order to give care and support to another person. For more information on needing to move for care and support reasons see **21** below.
- 12.8 **Need for Supported Housing**
Those Applicants who may need supported housing or who have special housing needs should indicate this where requested to on the application form. The information on the form will be used to assess the Applicant's need so they can be allocated appropriate housing and or support.
- 12.9 **Notifying changes of circumstances**
The applicant is responsible for notifying the Homemove Team of any relevant changes in their circumstances which will affect the assessment of their housing application. Examples of this are:- changes of address; changes in the household such as the birth of a

baby or the departure of a household member; the development of a relevant medical condition; or threatened homelessness. This list is not exhaustive, and if the Applicant is in any doubt about whether a change is relevant they should contact the Homemove Team to discuss the matter.

12.10 **Help if you become homeless or threatened with homelessness**

If Applicants become homeless or threatened with homelessness they should contact the Council and make an appointment to see the Housing Needs Team at the earliest opportunity to discuss their housing options. The Housing Needs Team will assess whether the Council has legal responsibilities towards an Applicant and advise and assist as appropriate.

12.11 **Providing False information**

A person may commit a criminal offence if;

- he/she knowingly or recklessly makes a statement which is false in a material particular, or
- he/she knowingly withholds information which the authority has reasonably required him/her to give in connection with their application for housing.

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding 5 on the standard scale (currently £5,000).

If it is found that false information has been given or relevant information withheld, the application will not be registered or, if already registered, the Applicant may be removed from the Housing Register as they will not qualify to be on the Council's housing register (see **11.8** above).

Any tenancy granted on the basis of information subsequently found to be false or because material information has been withheld, may be terminated and legal action taken by the landlord to recover possession of the home.

12.12 **Data Protection**

All information provided by an Applicant and any associated documents will be held on a filing system and may be used by all of the members of the Common Housing Register and Homemove Partnerships in carrying out their functions. This information is subject to the Data Protection Act 1998 and will be used in accordance with the Council's and Affinity Sutton's registration under that Act.

An Applicant's permission to share their personal information is a condition of being accepted on to the Council's housing register.

12.13 **Privacy Notice**

We have a duty to protect the public funds we administer.

The Council may share your personal data, provided for housing application purposes, internally to provide statutory services or other functions the Council is empowered to exercise. We may pass the information to other agencies or organisations, as allowed by law. We may check information you have provided, or information about you that someone else has provided, with other information held by us.

We may also get information about you from certain third parties, or give information to:

- prevent or detect crime or fraud
- protect public funds
- make sure the information is correct

These third parties include government departments, local authorities and private sector companies, including companies that assist us in fraud detection and prevention, such as Credit Reference Agencies. We may also obtain information about you from social media.

We will not give information about you to anyone else, or use information about you for other purposes, unless the law allows us to.

Any use of personal data will be in full accordance with the Data Protection Act 1998.

13. THE REGISTRATION AND ASSESSMENT PROCESS

13.1 Once a completed application form is received, the Homemove Team will make an assessment of the Applicant's housing needs based on the information provided and other documentation made available to them.

13.2 A decision will be made on whether the Applicant is 'eligible' and 'qualifies' to join the register set out at **10** and **11** above. If it is considered that an Applicant is not 'eligible' or does not 'qualify', the Homemove Team will notify the applicant of this decision and the grounds for it, along with the right to request a Review of the decision.

13.3 Where relevant, medical priority is assessed by the Homemove Team based on the information supplied by the Applicant using the medical criteria set out at **19** below.

13.4 Once their housing need has been assessed, the Applicant will be placed into one of the four Priority Bands as set out at **14** below and will be given a Priority Date which will be the date they applied to go on the Register or entered a Band. Applicants will also be assessed for the appropriate size of home they can bid for using the bedroom entitlement criteria set out at **18** below.

13.5 Sussex Homemove will write to the Applicant to inform them of their successful registration giving them the following information:

- Their Priority Date and reference number
- Their Priority Band
- The type and size of home they can bid for
- Their Mobility Group (physical disability level) if applicable
- Their right to request a Review if they are not happy with their assessment.

13.6 Renewals of Application

All Applicants must periodically complete a re-registration form to stay on the Common Housing Register.

If the Applicant fails to re-register when requested, the Homemove Team will check their contact details and if the Applicant appears to be a vulnerable person and/or has a high priority need, they will be contacted by phone, visited or referred to the relevant support service for help.

If there is no contact and the Applicant fails to re-register, the application will be deregistered.

It is important that the Homemove Team is notified of any relevant change in the circumstances of the Applicant or of their household which could affect the assessment of their housing application.

Changes should be notified to the Homemove Team by the Applicant as soon as they occur and not left until the application is renewed. Failure to do so may result in the Applicant being removed from the Common Housing Register.

The Priority Bands

14. OVERVIEW

- 14.1 When Applicants are registered on the Common Housing Register, their application will be assessed and they will be placed in one of four Priority Bands according to their category of need as set out at **15** below and given a Priority Date which is the date they applied to go on the register or entered the Band.
- 14.2 When bids are considered for advertised homes, priority will normally be given to eligible bids from Applicants in the highest Priority Band. Within a Band, a bid from the Applicant with the earliest Priority Date will normally be considered first. However, there are some important exceptions to how bids are prioritised which are described at **36-45** below.

15. THE PRIORITY BANDS

15.1 BAND A – emergency or urgent priority

To be placed in this Priority Band the Applicant must fall within one or more of the following categories:

- (a) The Applicant has a High Medical Priority to be rehoused (see **19** below)
- (b) The Applicant is a Transfer Applicant who is under-occupying their home (see **28.2(a)** below)
- (c) The Applicant is a Transfer Applicant who is occupying a significantly adapted home they no longer need but which could be used by someone else who needs the adaptations (see **28.2(c)** below)
- (d) The Applicant is a Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain (to be approved by the Discretionary Priority Panel)
- (e) The Applicant is in exceptional need of housing that warrants placement in Band A (to be approved by the Discretionary Priority Panel)
- (f) The Applicant has needs that, when considered together, are so high that they should be placed in Band A (to be approved by the Discretionary Priority Panel)
- (g) The Applicant is a Transfer Applicant who is a successor (or a non-statutory successor who has been approved by their landlord) wishing to move to smaller or more suitable accommodation. (see **28.2(d)** below)

15.2 BAND B – high priority

To be placed in this Priority Band the Applicant must fall within one or more of the following categories:

- (a) The Applicant has been assessed as lacking two or more bedrooms (see **18** below)
- (b) The Applicant is a Transfer Tenant who needs to move urgently because of **serious** harassment or threat of violence **that is likely to be carried out** (to be approved by the Discretionary Priority Panel)
- (c) The Applicant has a Medium Medical Priority to be rehoused (see **19** below)
- (d) The Applicant has been selected by a Supported Housing Panel for a tenancy in general needs housing with specialist floating support (see **22** below)
- (e) The Applicant is ready to move on from supported housing in Mid Sussex; or is homeless and is owed a full duty under the homelessness legislation by Mid Sussex District Council; and their priority has been increased at the discretion of the Council's Housing Needs Team Manager or their deputy (see **23.5**; or **24.5** below).

15.3 **BAND C – medium priority**

To be placed in this Priority Band the Applicant must fall within one or more of the following categories:

- (a) The Applicant is homeless and is owed a full housing duty under the homelessness legislation by Mid Sussex District Council (see **24** below).
- (b) The Applicant is ready to move on from supported housing in Mid Sussex (to be confirmed in writing by a manager from the supported housing provider); or is ready to move into the community from a mental health hospital and would otherwise be homeless (to be confirmed in writing by the Acute-Setting Worker based at the hospital) (see **23** below)
- (c) The Applicant has a home but Mid Sussex District Council has a statutory duty to rehouse them (e.g. Compulsory Purchase Order; Rent (Agriculture) Act duty) (see **25** below)
- (d) The Applicant has been assessed as lacking one bedroom (see **18** below)
- (e) The Applicant has a Low Medical Priority to be rehoused (see **19** below)
- (f) The Applicant resides in unsanitary or unsatisfactory housing conditions (excluding overcrowding) that cannot be addressed by Environmental Health action such as lacking either a kitchen, bath/shower room, or inside WC
- (g) The Applicant needs to move for care and support reasons where failure to meet that need would cause hardship (see **21** below) (to be approved by the Discretionary Priority Panel).
- (h) The Applicant has exercised their Right to Move and has been exempted from the requirement to meet the Local Connection requirement as set out at **11.2.2** and **27**.

15.4 **BAND D – low priority**

To be placed in this Priority Band the Applicant must fall within one or more of the following categories:

- (a) The Applicant has a housing need that is not identified in Band A, B or C
- (b) The Applicant has deliberately worsened their circumstances or become homeless intentionally (see **26** below)
- (c) The Applicant is owed a full housing duty under the homelessness legislation by another local authority (see **24.2** below).
- (d) The Applicant does not have a Local Connection but is over 55 and applying for sheltered and or Extra Care accommodation only as set out at **11.2.4**. Such Applicants will be accorded reduced preference than those who do have a Local Connection. (see **11.2.4** above).

16. **REASSESSING NEED AND CHANGING BAND**

16.1 **Re-assessing need because of changes in circumstances**

The Homemove Team reviews all applications periodically. If an Applicant's circumstances change, they may be moved up or down a Band depending on their need and if this happens the Applicant will be informed in writing of their move to a new Band and their new Priority Date.

It is important that the Homemove Team is notified of any relevant change in the circumstances of the Applicant or of their household which could affect the assessment of their housing application.

Changes should be notified to the Homemove Team by the Applicant as soon as they occur and not left until the application is reviewed. Failure to do so may result in the Applicant being removed from the Common Housing Register.

When an Applicant notifies of a change that is likely to entitle them to a move to a higher Band, they will not be moved to the higher Band until any evidence or documentation requested by the Homemove Team is received.

When an Applicant notifies of a change that is likely to mean they will be moved to a lower Band, they will be moved to the lower Band immediately whilst their case is considered. In the event that it is decided that the Applicant is entitled to remain in the higher Band they will be returned to that Band.

16.2 Moving up a Band

If an Applicant moves up a Band after they are re-assessed because of a change in their circumstances, they will be given a new Priority Date which will be the date that the Homemove Team was notified in writing of the Applicant's change in circumstances.

If an Applicant has moved up a Band as a result of a formal Review/Appeal under **5** above, they will be given a new Priority Date of the date they requested a Review, or an earlier date if considered appropriate by the Housing Needs Team Manager or their deputy.

If an Applicant has moved up a Band as a result of a duty being accepted by Mid Sussex District Council under the homelessness legislation, they will be given a new Priority Date of the date the duty was accepted.

16.3 Moving down a Band

If an Applicant moves down a Band, then the Priority Date they had in the higher Band will be retained or their Priority Date will revert to an earlier date that they had if they had been in the lower Band previously.

17. THE DISCRETIONARY PRIORITY PANEL

17.1 The Discretionary Priority Panel will include, as a minimum, the following officers:

- The Homemove Manager or their deputy
- The Council's Housing Needs Team Manager or their deputy.

17.2 An Applicant may be awarded Discretionary Priority by the Discretionary Priority Panel to recognise cases of exceptional need under the following Band categories:

Band A

Category (d) The Applicant needs to move urgently from a Mid Sussex tenancy with a housing association because there is a serious personal risk if they remain

Category (e) The Applicant is in exceptional need of housing that warrants placement in Band A.

This could include:

- an Applicant in need of housing as a Permanent Decant because their current home is being demolished or redeveloped (but see **28.6**)
- an Applicant who is in need of urgent housing under Witness Mobility arrangements with the Police

Category (f) The Applicant has needs that, when considered together, are so high that they should be placed in Band A

Band B

Category (b) The Applicant needs to move urgently from a Mid Sussex tenancy with a housing association because of harassment or threat of violence

Band C

Category (g) The Applicant needs to move for care and support reasons (see **21** below)

- 17.3 In all cases a formal report will be prepared either by the Applicant's current social landlord if they are an existing social tenant, or the Homemove Team or the Council's Housing Needs Team if they are not, and submitted to the Discretionary Priority Panel.
- 17.4 An Applicant who is awarded Discretionary priority will be subject to a 12 week time limit for bidding as detailed at **34** below.
- 17.5 The Discretionary Priority Panel may remove any priority it has awarded if the Applicant's circumstances change or the Panel considers that priority is no longer justified.
- 17.6 If the Discretionary Priority Panel is split and unable to reach a majority decision, the case will be referred for a decision to the Housing Needs Team Manager or the Business Unit Leader for Housing Services.

Assessment of housing need and banding

18. BEDROOM ENTITLEMENT

18.1 Applicants will be assessed for overcrowding in their current home, and the size of home they may bid for, according to the standards set out below which are based on the Local Housing Allowance (LHA) bedroom entitlement rules. Letting at more generous levels of occupation may mean that the tenant becomes subject to the Removal of the Spare Room Subsidy and may receive a reduced level of Housing Benefit that may not fully cover their rent.

Applicants will be considered to be lacking a bedroom for each bedroom their current accommodation falls short of this standard.

Applicants will be entitled to be placed in

- Band C if they lack 1 bedroom; or
- Band B if they lack 2 or more bedrooms.

18.2 The bedroom entitlement calculation

The number of bedrooms needed by a household is calculated as follows:

- 1 bedroom for every adult couple
- 1 bedroom for any other person aged 16 or over
- 1 bedroom for any two children under 16 of the same sex
- 1 bedroom for any two children aged under 10, regardless of sex
- 1 bedroom for any additional child under 16

Subject to a maximum of 4 bedrooms in total.

For these purposes

- a room under 50 square feet in floor area does not count as a bedroom
- a second reception room will generally be considered to be available as a bedroom
- kitchens and bathrooms are ignored
- Applicants occupying a studio flat are considered to have access to a bedroom.

18.3 Joint custody of children

Where an Applicant has joint custody/residence of a child, as part of a formal or informal arrangement, that child will not normally be counted as part of the Applicant's household where the child already has the use of a bedroom with another parent/guardian.

18.4 Expected baby

Reference to a child includes a baby who is expected within 12 weeks. For the purposes of calculating bedroom entitlement until the baby is born, it will be assumed that the expected baby can share a bedroom with an existing child who is under 16, regardless of the expected sex of the baby.

18.5 Additional bedroom because of a medical need

The Homemove Team may, at its discretion, consider that an Applicant needs an additional bedroom over and above the calculation set out above where there is a medical requirement for a household member to sleep in a room alone or where an additional room for medical equipment or an overnight carer is required.

However, Applicants should be aware that an additional bedroom may exceed the bedroom entitlement criteria for Local Housing Allowance (LHA), and may not be fully covered by housing benefit as it could be subject to the Removal of the Spare Room Subsidy.

18.6 **Additional bedroom for approved foster carers or adopters**

The Homemove Team may consider that an Applicant needs an additional bedroom over and above the calculation set out above where the Applicant has been approved by West Sussex County Council to enter into an adoption, fostering, or special guardianship arrangement.

However, Applicants should be aware that an additional bedroom may exceed the bedroom entitlement criteria for Local Housing Allowance (LHA), and may not be fully covered by housing benefit as it could be subject to the Removal of the Spare Room Subsidy, even after a child has been placed with them.

18.7 **Transfer Applicants who are under-occupying accommodation**

Transfer Applicants who are under-occupying their current accommodation and have been placed in Band A (see **28.2(b)**) are entitled to bid for suitably sized homes according to the rules set out above, with the exception of those entitled to bid for sheltered/retirement housing who may bid for 2 bedroom vacancies in such housing as and when these occasionally become available.

18.8 **Example calculations**

Example 1

Jon and Samira have a girl and a boy aged 7 and 9.

They need a bedroom for themselves and one for their children to share.

This makes 2 bedrooms in total.

Example 2

Daljit and Matt have a girl of 16, a boy of 14 and a girl of 12.

They need a bedroom for themselves, one for each of their children.

This makes 4 bedrooms in total.

Example 3

Krishnan and Cathy have three boys aged 11, 8 and 6. Krishnan's mother also lives with them.

They need a bedroom for themselves, one for their 11 year old, one for the 8 and 6 year olds to share and one for Krishnan's mother.

This makes 4 bedrooms in total.

Example 4

Lindsey has 2 boys aged 18 and 16, two girls aged 14 and 12, and a boy of 10.

Lindsey needs a bedroom for herself, one each for her boys aged 18 and 16, one for the girls aged 14 and 12 to share and another bedroom for her youngest boy aged 10.

This makes a total of 5 bedrooms which is above the maximum of 4 allowed. Lindsey is therefore entitled to 4 bedrooms.

19. **MEDICAL NEED FOR REHOUSING**

19.1 The procedure for establishing the priority given to an Applicant with Medical Need for rehousing is set out below.

Low Medical Priority entitles an Applicant to be placed in Band C

Medium Medical Priority entitles an Applicant to be placed in Band B

High Medical Priority entitles an Applicant to be placed in Band A

- 19.2 The medical aspects of a housing application will be assessed by the Homemove Team, with regard to appropriate professional advice as necessary. An Applicant may be visited in order to complete the medical assessment. Any Applicant who completes the Medical Circumstances section of the housing application form is asked to authorise contact with their GP or other medical practitioner if necessary in order to verify or obtain further information about their medical condition.
- 19.3 Medical Priority will only be awarded where the Applicant or a member of their household has a significant medical need to be rehoused, i.e. has a significant medical problem that is directly affected by their current housing circumstances and which is likely to be relieved by rehousing.
- 19.4 **Medical Priority** is awarded as follows to reflect the urgency of rehousing:-
- a) **No Medical Priority** will be awarded where an Applicant, or a member of their household, has a medical condition where it is considered by the Homemove Team that rehousing would not improve their health or ability to cope with the condition.
 - b) **Low Medical Priority** (Band C) will be awarded where an Applicant, or member of their household, has a significant medical condition which is likely to be improved by rehousing. This would also apply where it is considered that the ability to cope with the medical condition is likely to be improved by rehousing even where it is unlikely that the condition itself may be improved.
 - c) **Medium Medical Priority** (Band B) will be awarded where the Applicant's current housing has a significant detrimental effect on their, or a member of their household's, medical condition and that their health is likely to seriously deteriorate unless early rehousing takes place.
 - d) **High Medical Priority** (Band A) will be awarded where an Applicant, or a member of their household, has an emergency medical condition requiring immediate rehousing. Medical conditions justifying High Medical Priority would include severe/acute disability which may render the Applicant housebound or technically homeless where it is considered unreasonable for them to remain where they are.

20. MOBILITY NEEDS OF THE APPLICANT

- 20.1 All Applicants who have a substantial or permanent physical disability affecting their mobility will be placed in one of the following Mobility Groups that reflects their level of mobility or that of a member of their household. Applicants will then be able to bid for homes that have been labelled as suitable for the Mobility Group they have been placed in, although they may bid for, and be nominated for, any suitable home of their choice.

For the avoidance of doubt, if an Applicant bids for a property which is advertised as suitable for Applicants with a lesser mobility need than theirs, then they should not be automatically barred from the shortlist of bidders. Instead, they will be contacted to discuss whether the property might be suitable for them in view of their particular needs.

Mobility Group 1 -Full-time wheelchair user

Mobility Group 2 -Uses a wheelchair some of the time

Mobility Group 3 -Has limited mobility but can manage three steps or less.

- 20.2 The Homemove Team will have regard to advice from the Applicant's Occupational Therapist, where available, when making an assessment of which Mobility Group should apply.

For details of how bids are prioritised for homes that are advertised as being suitable for Applicants in Mobility Groups, see **41** below.

21. NEEDING TO MOVE FOR CARE & SUPPORT REASONS

- 21.1 Applicants who need rehousing for 'Care & Support reasons' where failure to meet that need would cause hardship (to themselves or others) are placed in Band C, category (g), unless a higher Band applies, subject to approval by the Discretionary Priority Panel (see 17 above).
- 21.2 The welfare, care and support needs of an Applicant will be assessed by the Homemove Team with the help of and in liaison with social services and other relevant agencies as appropriate.
- 21.3 'Care & Support reasons' for rehousing would apply to an Applicant whose household includes someone who has an established need for care and support in order for them to manage in their own home within the community and it is shown that they require rehousing to suitable and settled accommodation in order that these needs can be met and support services arranged and provided.
- 21.4 'Care & Support reasons' might also apply to a care leaver or other vulnerable person who needs a secure base from which they can build a stable life. This would include a person with a disability that renders them less able than others to find their own accommodation and who is ready to live independently from their parent or carer.
- 21.5 'Care & Support reasons' for rehousing may include the need of an Applicant to move to a different locality to give care and support to another person. The need for such a move will be assessed on the basis of the recipient's need.

22. VULNERABLE APPLICANTS PRIORITISED FOR GENERAL NEEDS TENANCIES WITH SUPPORT (VAPs)

- 22.1 Particularly vulnerable Applicants who have been selected for specialised floating support in self-contained general needs housing will be placed in Band B category (d).
- 22.2 Referrals under this scheme will be considered by a multi-agency Panel who will select appropriate Applicants using the scheme criteria which have been agreed with the Council.
- 22.3 A maximum of 10 such Applicants will be accepted onto this scheme in any one year, subject to the requisite support being available.
- 22.4 Applicants will be selected on the basis of a combination of their housing need, their need for the specific support provided by the scheme and the likelihood of a successful outcome in terms of independent living after the support is eventually withdrawn. Such Applicants could, for example, be particularly vulnerable Applicants who are considered to be ready for move on from supported housing (see 23 below).
- 22.5 An Applicant's housing related debt should not affect their selection for this support. The rules at 37 below do not apply in these cases. However, the housing provider to whom the debt is owed may reserve the right to refuse the applicant tenancy until the debt is cleared.
- 22.6 Once selected under these arrangements, the Applicant will be subject to a 12 week time limit for bidding as detailed at 34 below. An Applicant who fails to bid successfully within this time limit may be subject to Direct/Auto Bidding on their behalf, and also the rules on refusing an offer resulting from a Direct/Auto Bid, as set out at 35 below.

22.7 **Local Connection to Mid Sussex** – Only Applicants on the Mid Sussex Housing Register may be considered by the Panel. As with all Applicants, in order to qualify, they must meet the Local Connection criteria that are set out at **11.2** above.

22.8 This arrangement applies to the following categories of vulnerable people who are thought likely to require support for a minimum period of 12 months and are eligible for support funded by the WSCC Housing Related Support Programme or other funding stream.

These categories may include Applicants with enduring mental health issues; Applicants with alcohol and substance misuse issues where the Applicant has undergone successful rehabilitation; Applicants with significant learning disabilities; and some young people with long-term support needs, e.g. some care leavers.

23. APPLICANTS IN SUPPORTED HOUSING WHO ARE READY TO MOVE ON

23.1 An Applicant who is living in supported housing, and is not ready to live independently, will be placed in Band D.

23.2 Where it is confirmed to the Homemove Team in writing by the manager of the supported housing provider that the Applicant is ready to live independently and move on to general needs housing, the Applicant will be placed in Band C, category (b) whatever other housing need they may have. Applicants to whom this applies will retain the Priority Date they had when they were in Band D in order to reflect the time they spent in supported housing.

23.3 An Applicant will not be placed in this category if they are being required to leave supported housing because of a breach of tenancy conditions.

23.4 An Applicant who is placed in Band C, category (b), will be subject to a 12 week time limit for bidding as set out at **34** below. An Applicant who fails to bid successfully within this time limit may be subject to Direct/Auto Bidding, and the rules on refusing an offer resulting from a Direct/Auto Bid, as set out at **35** below.

23.5 **Review of Applicant's Priority** - the Housing Needs Team Manager, or their deputy in their absence, may increase an Applicant's priority by authorising a move into Band B category (e) where they consider that this is appropriate. A decision will be made on a case-by-case basis taking into account the Applicant's particular circumstances; the suitability of their current accommodation and urgency for a move; and the prospects of them moving out of supported housing without an increase in priority.

Any Applicant whose priority is increased in this way will be subject to Direct/Auto Bidding as set out at **35** below.

23.6 Applicants who are residing in a mental health hospital and would otherwise be homeless

An Applicant who is residing in a mental health hospital and would otherwise be homeless will be treated as if they were an Applicant living in supported housing. When an Applicant to whom this applies is ready to move into the community from a mental health hospital, this will be confirmed to the Homemove Team, in writing, by the Acute-Setting Worker based at the hospital.

This is intended to avoid mental health patients being discharged from hospital into a homeless situation where the hospital is prepared to delay discharge in the interest of sustaining the patient's well-being.

24. APPLICANTS WHO HAVE BEEN ACCEPTED AS HOMELESS

- 24.1 An Applicant who is homeless and is owed a full housing duty under the homelessness legislation by Mid Sussex District Council will be placed in Band C, category (a), whatever other housing need they may have.
- 24.2 **An Applicant who is owed a full homelessness duty by another local authority**, and therefore is already being considered for further social housing by that authority, will be placed in Band D category (c) regardless of their current housing circumstances, unless they have been disqualified from joining the housing register as set out at 11 above.
- 24.3 Applicants who make a homelessness application to the Council will remain in the Band they were in before they applied as homeless whilst their application is considered. Applicants who apply to join the register after they have applied as homeless will be placed in Band D whilst their homelessness application is considered, unless they have been disqualified from joining the housing register as set out at 11 above.
- 24.4 An Applicant who is placed in Band C, category (a), will be subject to a 12 week time limit for bidding as set out at 34 below. An Applicant who fails to bid successfully within this time limit may be subject to Direct/Auto Bidding, and the rules on refusing an offer resulting from a Direct/Auto Bid, as set out at 35 below.
- 24.5 **Review of Applicant's Priority** - the Housing Needs Team Manager, or their deputy in their absence, may increase an Applicant's priority by authorising a move into Band B category (e) where they consider that this is appropriate. A decision will be made on a case-by-case basis taking into account the Applicant's particular circumstances; the suitability of their current accommodation and urgency for a move; and the prospects of them moving out of temporary accommodation without an increase in priority. Any Applicant whose priority is increased in this way will be subject to Direct/Auto Bidding as set out at 35 below.
- 24.6 **Transitional arrangements** - Applicants to whom the Council accepted a full homelessness duty before 01 May 2014 and who were placed in Band A will remain in that Band but will otherwise be subject to the same rules as other homeless Applicants as set out in this Allocation Scheme.

25. RENT (AGRICULTURE) ACT 1976 CASES

- 25.1 The Rent (Agriculture) Act 1976 requires the Council to use its best endeavours to provide accommodation for displaced agricultural workers who meet the criteria of that Act and to whom the Council have accepted a duty to rehouse. Applicants to whom this applies will be placed in Band C category (d) and will be subject to a 12 week time limit for bidding as detailed at 34 below.

26. DELIBERATE WORSENING OF CIRCUMSTANCES AND BECOMING HOMELESS INTENTIONALLY

- 26.1 The Council considers that Applicants who have deliberately worsened their housing circumstances or have become homeless intentionally should not receive immediate priority over other Applicants as a result of their worsened circumstances.
- 26.2 An Applicant who is considered to have deliberately worsened their circumstances, or is found by the Council to have become intentionally homeless within the meaning of the homelessness legislation, will therefore be placed in Band D (the lowest Band) for a period

of 12 months from the date of the decision that this paragraph should apply to them, whatever other housing need they may have.

- 26.3 After 12 months, the Applicant's housing need will be re-assessed and they will be placed in the Band that applies to their new circumstances at that time.
- 26.4 If within the 12 month period the Applicant is subsequently accepted as homeless by the Council, they will be placed in Band C as set out at **24** above.

27. THE RIGHT TO MOVE

- 27.1 Applicants who have exercised their Right to Move and who are exempted from the requirement to meet the Council's Local Connection qualifying criteria, as set out at **11.2.2** above, will be placed in Band C, category **(h)**.
- 27.2 However, such Applicants will be given less priority than other Applicants in Band C who do have a local Connection with Mid Sussex or are otherwise exempted from requiring one under paragraphs **11.2.1** or **11.2.3**.
- 27.3 **Right to Move quota** – Allocation to these Applicants is limited to a maximum of 1% of properties allocated each year, amounting to 3 or 4 properties per year. The Council considers this to be reasonable, taking into account the particularly high demand that exists from other Applicants who do have a Local Connection with Mid Sussex.

How Transfer requests are managed

28. TRANSFER APPLICANTS

28.1 Definition of a Transfer Applicant

Any reference to Transfer Applicants in this Allocation Scheme refers only to Mid Sussex tenants of housing associations that are partners of the Mid Sussex Common Housing Register listed at **2.3** above (or others that become partners subsequent to the publication of this Allocation Scheme) who wish to transfer to another tenancy in Mid Sussex with the same or a different social landlord.

- Other social tenants, not fitting this definition, are considered in the same way as all other Housing Applicants.
- With certain exceptions, existing tenants of a housing association that provides its tenants with alternative access to its stock in Mid Sussex, and has therefore opted out of the Mid Sussex Common Housing Register Partnership, do not qualify to join the housing register (see **11.3** above) and are not considered as Transfer Tenants for the purposes of this Allocation Scheme.
- Homeless Applicants residing in temporary accommodation arranged by the Council are not considered as Transfer Applicants.

Transfer Applicants may join the Housing Register and will be considered for an allocation of accommodation through the Choice-Based Lettings process in the same way as any other Applicant, subject to the following:

28.2 Banding decisions affecting Transfer Applicants

(a) Transfer Applicants under-occupying accommodation

In the interests of freeing up family-sized accommodation for those in need, it is appropriate that existing social tenants who wish to move to smaller accommodation are given the priority to do so.

Transfer Applicants who have exclusive occupation of bedrooms in excess of the standard set out at **18** (Bedroom Entitlement) and express a wish to move to smaller accommodation will be placed in Band A, category **(b)**.

Such Applicants will be entitled to bid for suitably sized homes according to the rules set out at **18** (Bedroom Entitlement) with the exception of those entitled to bid for sheltered/retirement housing who may bid for 2 bedroom vacancies in such housing as and when these occasionally become available.

A Transfer Applicant who is required to move because their fixed term tenancy has been brought to an end by their landlord because they are under-occupying their home will also be placed Band A, category **(b)**.

(b) Transfer Applicants under-occupying accommodation who move into the private rented sector

In the interests of freeing up family-sized accommodation for those in need, it is considered appropriate that existing social tenants who choose to move to smaller accommodation in the private rented sector to avoid the Removal of the Spare Room Subsidy are protected.

Transfer Applicants who have been placed in Band A under the provisions detailed in **28.2(a)** above and who choose to give up their social housing tenancy to move into the private rented sector to avoid the Removal of the Spare Room Subsidy will remain in Band A for a period of up to 3 years or until such time as they move back into social housing, whichever is sooner.

(c) Transfer Applicants occupying a significantly adapted home

In the interests of freeing up significantly adapted homes that are no longer needed but which could be used by someone else who needs the adaptations, Transfer Applicants in this position and wishing to move will be placed in Band A, category **(c)**.

A Transfer Applicant who is required to move because their fixed term tenancy has been brought to an end by their landlord because they are occupying a significantly adapted home which they no longer need will also be placed Band A, category **(c)**.

This clause will also apply to Transfer Applicants occupying a unit of Extra Care accommodation that they no longer need, perhaps because their partner has died.

(d) Transfer Applicants who are successors

A Transfer Applicant who is a successor (or a non-statutory successor who has been approved by their landlord) wishing to move to smaller or more suitable accommodation will be placed in Band A, category **(g)**.

(e) Transfer Applicants facing serious personal risk

A Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain will be placed in Band A, category **(d)**, subject to approval by the Discretionary Priority Panel.

(f) Transfer Applicants facing harassment

A Transfer Applicant who needs to move urgently because of harassment or threat of violence will be placed in Band B, category **(b)**, subject to approval by the Discretionary Priority Panel.

28.3 Priority given to bids from Transfer Applicants

Priority is given to bids from Transfer Applicants in certain circumstances. These are detailed in 'How we Prioritise Bids' section of this scheme at **38** below.

Additionally, some priority is given to bids from Transfer Applicants for the following accommodation:

- Ground floor accommodation (or lift-access accommodation in blocks of flats) or other homes advertised as being suitable for Mobility Groups 2 or 3 (see **41.2** below)
- 2 Bedroom 4 Person houses (see **42.1** below)
- 3 Bedroom 6+ Person houses and 4 or more bedroom houses (see **42.2** below)

28.4 Transfer Applicants who are subject to possession action by their landlord

Bids for homes will not be considered from any Transfer Applicant who is subject to possession action by their landlord, including those subject to a Notice Seeking Possession, unless their landlord expressly advises the Homemove Team, in writing, that they are happy for their tenant to move with arrears.

28.5 Temporary Decants

A temporary decant into a suitable property may be arranged by a housing association landlord through Direct Allocation (see **48**) so that major works can be carried out before a tenant can return to their home. A Temporary Decant may be converted to a Permanent Decant where repairs to a tenant's home become so extensive, and the decant time so long, that it considered unreasonable to expect the tenant to return to their original home.

28.6 Permanent Decants

A permanent decant into a suitable property may be arranged by a housing association landlord through Direct Allocation (see **48**) where a tenant's home is to be demolished or redeveloped.

Alternatively, with Discretionary Priority Panel approval, the Applicant may be placed in Band A Category **(e)** to allow them to bid for a home of their choice as set out at **17** above.

28.7 **Management Transfers**

All Transfers required in cases of exceptional need, e.g. where special medical, social, or unusual circumstances arise, may only take place through the normal Choice-Based Lettings process and must be considered within the provisions of this Allocation Scheme. In such cases, consideration may be given as to whether the Applicant should be considered for an award of 'Discretionary Priority' by the Discretionary Priority Panel in order for the Applicant to be placed in a higher Band (see **17** above).

How homes are advertised for bidding

29. HOW WE ADVERTISE HOMES TO LET

29.1 Housing association homes to let in Mid Sussex are advertised through the Sussex Homemove Partnership via its website at www.homemove.org.uk. On the homepage of this site there is a link to the electronic 'Sussex Homemove Magazine' which lists, with photographs, all the available homes to let in all the local council areas that have joined the Sussex Homemove Partnership.

29.2 The Sussex Homemove Magazine is published electronically every two weeks on a Friday and as soon as it is published Applicants can bid for the home of their choice until 2pm the following Wednesday when bidding closes. Shortlists will be created that day and successful Applicants contacted as soon as possible.

29.3 Only Applicants who are registered on the Mid Sussex Common Housing Register can bid for Mid Sussex Homes, unless the Homemove Team decides to place hard-to-let homes in the 'cross-boundary' section of the magazine so that applicants from other districts can bid for them.

29.4 Personalised Property Lists

Vulnerable Applicants in Band A or B who do not have access to a computer or the internet, where possible, will be sent in the post a paper Personalised Property List of the properties they are entitled to bid for.

29.5 Labelling of homes in adverts

(a) Each home that is advertised in the magazine is accompanied by a photograph and a brief description as well as symbols for an at-a-glance guide to the details and who can bid for it.

This will also include:

- whether the home is to be let at a Social Rent or an Affordable Rent
- whether the home is subject to a Local Lettings Scheme
- whether the home is within a rural exception site and subject to strict Local Connection criteria
- whether the home is a first letting within a new development and subject to strict Local Connection criteria
- whether the home is subject to a sensitive letting

(b) **Homes suitable for disabled people** - All homes that are suitable for disabled people will be advertised for bidding from Applicants in any Band and will be labelled with a mobility classification as set out below.

Mobility Group 1 - Suitable for full-time wheelchair user

Mobility Group 2 - Suitable for those who use a wheelchair some of the time

Mobility Group 3 - Suitable for those who have limited mobility but can manage three steps.

For details of how bids are prioritised for homes that are advertised as being suitable for Applicants in Mobility Groups see **41** below.

(c) **Older persons accommodation or sheltered homes** – All homes that have been designed to provide facilities which are intended specifically for use by an older person aged 60 or above will be advertised for bidding from Applicants in any Band. However such homes will only be allocated to older people and will be labelled as such when advertised.

- (d) **Local Lettings Schemes** - Some homes will be advertised as being subject to a Local Lettings Scheme agreed with Mid Sussex District Council, to ensure that communities are as balanced as possible.

In such cases this will be clearly indicated in the advert.

Further details about Local Lettings Schemes can be seen at **30** below.

30. LOCAL LETTINGS SCHEMES

30.1 Achieving Balanced Communities

The Council may, where appropriate, in consultation with the relevant housing association, adopt a Local Lettings Scheme whereby individual homes, blocks, streets, estates or neighbourhoods may be allocated according to different criteria to those normally used.

Some Local Lettings Schemes limit who can be considered as a tenant, e.g. they may limit allocation on the basis of Local Connection to the town or village where the home is situated. Others may allow for a 'sensitive letting' so as to exclude Applicants with a history of antisocial behaviour.

Some Local Letting Schemes may include a requirement that a percentage of lettings should go to Applicants who are in paid employment or making a positive contribution to the District.

Such a scheme might be adopted in order to achieve a balanced community on a new estate for example or to assist in rectifying problems on an existing estate where there are management difficulties or the homes have become difficult to let.

Any such Local Letting Scheme will endeavour to ensure that the twin aims of firstly meeting housing need and secondly maintaining sustainable communities within the social housing stock are achieved.

Such schemes will be agreed to operate for a strictly one off letting or for a limited period of time after which the scheme will be reviewed by the Homemove Manager and the Council's Housing Needs Team Manager.

- 30.2 Any home that is subject to a Local Lettings Scheme will be identified when advertised in the Mid Sussex Homemove Magazine along with details of restrictions on who may be considered when allocating the home.

30.3 Schemes subject to a Planning Agreement

Where the accommodation is subject to a planning agreement or other restriction, whether legally enforceable or not, only Applicants who can meet the terms of that agreement or restriction will be allocated that accommodation. This can be the case for housing in some rural locations, called Rural Exception sites, which are intended for occupation by local people. Such homes will be labelled when advertised.

Where a vacancy occurs in a Rural Exception site, such homes may also be advertised on Affinity Sutton's Home Choice system so that their tenants are able to access these vacancies as well as Applicants who are on the Council's register, even where the homes are not owned by Affinity Sutton. Applicants who bid under the two systems will then be prioritised according to the Council's allocation rules, including the agreed planning criteria for that site.

30.4 Essential or Key Workers

The law allows the Council to allocate accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. Occasionally, specific funding is made available for schemes to develop low cost home ownership and affordable rented housing for keyworkers such as teachers, nurses and police officers. These homes

will be made available only to Applicants who meet the qualifying criteria. Such homes will be labelled when advertised.

30.5 **Sensitive lettings**

Some homes will be advertised as being 'subject to sensitive letting' to assist in rectifying problems on an estate where there are management difficulties or the homes have become difficult to let. Whilst any Applicant may bid for homes that are 'subject to a sensitive letting', the Homemove Team will consider bids from those with a history of anti-social behaviour on a case-by-case basis as to whether the Applicant is suitable to be allocated the home they have bid for. For full details of how such bids are considered see **38** below.

How to bid

31. THE BIDDING PROCESS

- 31.1 Full details of how to bid are set out in the Scheme User Guide which is available on the www.homemove.org.uk website.
- 31.2 Bids must be received by 2pm on the Wednesday following the Friday publication of the 'Mid Sussex Homemove Magazine'. Shortlists will be created after this and successful Applicants contacted as soon as possible.
- 31.3 Applicants can make bids for homes that are advertised by either bidding online via the www.homemove.org.uk website, by telephone bidding, text bidding or by sending in a completed paper coupon. Applicants can also nominate a proxy bidder and in exceptional circumstances request that the Homemove Team bid on their behalf.
- 31.4 Applicants with support needs and those who have difficulty with written English will be supported by the Homemove Team or an appointed support provider.
- 31.5 All bids for a home are checked against the criteria that have been set for the home, e.g. the size of the home, or any age restrictions that might apply. Bids that do not meet the set criteria will be excluded from consideration. The Homemove Team will provide advice and support to Applicants who regularly bid for homes where they do not meet the correct criteria.
- 31.6 Applicants can bid for up to three homes each fortnight and, if done online at www.homemove.org.uk, Applicants can switch their bids to other homes if they change their mind before the bidding deadline. However, Applicants placed in temporary accommodation and to whom Mid Sussex District Council has accepted the full housing duty to under s.193 of the Housing Act 1996 can place unlimited bids.
- 31.7 Applicants who have been registered for at least 12 months but have not bid on a home within the preceding 12 months will cease to qualify to be on the Council's register and may be removed (see **11.4**).

32. THE SIZE OF HOME APPLICANTS CAN BID FOR

- 32.1 Applicants may only bid for the size of home that is considered to be suitable for their household. Applicants will be advised of the size they can bid for when they register.
- 32.2 **Bedroom entitlement calculation**
The calculation and rules used to decide the size of home an Applicant may bid for are the same as those used to assess how many bedrooms an Applicant is lacking in their current home.

The bedroom entitlement calculation and rules can be found at **18** above.

33. FEEDBACK ON LET HOMES

- 33.1 All homes that have been advertised in the electronic Sussex Homemove Magazine that have been let will be listed in a future copy of the magazine showing the number of bidders for each home and the Priority Band and Priority Date of the successful Applicant.

34. TIME LIMITS FOR BIDDING

34.1 There is a **12 week time limit** for free bidding for the following categories of Applicants within Bands A, B and C. Within the 12 week time limit for free bidding Applicants who successfully bid for a home may reject an offer of a tenancy without any penalty.

Band A

Category (d) The Applicant is a Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain (to be approved by the Discretionary Priority Panel (see 17))

Category (e) The Applicant is in exceptional need of housing that warrants placement in Band A (to be approved by the Discretionary Priority Panel (see 17))

Category (f) The Applicant has needs that, when considered together, are so high that they should be placed in Band A (to be approved by the Discretionary Priority Panel (see 17))

Band B

Category (b) The Applicant is a Transfer Tenant who needs to move urgently because of harassment or threat of violence (to be approved by the Discretionary Priority Panel (see 17))

Category (d) The Applicant has been selected by a Supported Housing Panel for tenancy in general needs housing with specialist floating support (see 22)

Band C

Category (a) The Applicant is homeless and is owed a full housing duty under the homelessness legislation by Mid Sussex District Council (see 24). However, where the Applicant is being accommodated by Mid Sussex District Council in temporary accommodation, the Homemove Team and or the Housing Needs Team may, having reasonable regard to the areas of choice that the Applicant has indicated place Direct and or Auto bids during the 12 week time limit. Should such a bid be successful, the Applicant will not be required to accept the resulting offer if the bid was made within the 12 week time limit. (see 35)

Category (b) The Applicant is ready to move on from supported housing in Mid Sussex (see 23)

Category (c) The Applicant has a home but Mid Sussex District Council has a statutory duty to rehouse them (e.g. under a Compulsory Purchase Order; or Rent (Agriculture) Act duty) (see 25)

Category (g) The Applicant needs to move for care and support reasons where failure to meet that need would cause hardship; e.g. to give support to, or receive support from, a family member (see 21) (to be approved by the Discretionary Priority Panel (see 17)).

34.2 **The 12 week time limit starts from:**

- the date the statutory duty was accepted by the Council to the Applicant; or
- the date the Applicant is ready to move on from care or supported housing; or
- the date the Applicant was chosen by a Multi-Agency Panel; or
- the date of the Discretionary Priority Panel decision, as applicable.

34.3 The 12 week time limit may be extended at the discretion of the Homemove Manager.

34.4 **Failure to bid within time limit**

If an Applicant does not bid successfully within the time limit then the Applicant loses their right to bid for the home of their choice and any bids they make may be removed or disqualified.

After the 12 week time limit has expired, the Homemove Team and the Council's Housing Needs Team may make Direct or Auto Bids (see 35 below) on their behalf until a bid is successful and a reasonable offer is made to the Applicant, having reasonable regard to the areas of choice that the Applicant has indicated.

Any bid made by the Applicant after the time limit expires, which is not removed or disqualified, will be treated as if it was a Direct or Auto Bid that was made on their behalf, and the refusal of any offer resulting from this bid will be subject to the rules set out at 35.2 below.

An offer resulting from a successful Direct or Auto Bid made on behalf of a Homeless Applicant will be considered to be a Final Offer for the purposes of the homelessness legislation.

35. DIRECT and AUTO BIDDING ON BEHALF OF APPLICANTS

35.1 In certain cases, the Homemove Team and/or the Council's Housing Needs Team may make Direct or Auto Bids on behalf of Applicants as follows:

- (a) **Where the Applicant is homeless and is owed a full housing duty and being accommodated under the homelessness legislation by Mid Sussex District Council (see 24) -** the Homemove Team and or the Housing Needs Team may, having reasonable regard to the areas of choice that the Applicant has indicated place Direct and or Auto bids during the 12 week time limit. Should such a bid be successful, the Applicant will not be required to accept the resulting offer if the bid was made within the 12 week week time limit. (see 34)
- (b) **After the expiry of a time limit for bidding** – where an Applicant who is subject to a time limit for bidding (see 34 above) fails to successfully bid within the specified time limit that applies to them, Direct or Auto Bids may be made on their behalf having reasonable regard to the areas of choice that the Applicant has indicated.
- (c) **Where the Applicant's priority has been increased at the discretion of the Council's Housing Needs Team Manager** – where the Applicant is ready to move on from supported housing in Mid Sussex; or is homeless and is owed a full duty under the homelessness legislation by Mid Sussex District Council; and their priority has been increased at the discretion of the Council's Housing Needs Team Manager or their deputy (see 23.5; or 24.5 above), Direct or Auto Bids may be made on their behalf having reasonable regard to the areas of choice that the Applicant has indicated.
- (d) **Where the Applicant is a MAPP case** - Applicants who pose a potential risk to the public as assessed by the Multi-Agency Public Protection Assessment Panel (MAPP) will be restricted from bidding and will not be allowed to choose their home. Instead, Direct or Auto Bids may be made for suitable homes on their behalf until a reasonable offer is made and accepted by the Applicant.

35.2 **Refusal of an offer resulting from a Direct or Auto Bid made on behalf of an Applicant**

(a) Homeless Applicants

A Homeless Applicant who is owed a housing duty by the Council under s.193 or s.195(2) of the Housing Act 1996 who refuses a Final Offer of a home resulting from a Direct or Auto Bid on their behalf, which is considered to be suitable by the Council, will result in the ending of that housing duty and an ending of the provision of any temporary accommodation that has been arranged for the Applicant.

Whether or not a Homeless Applicant accepts an offer, they have the statutory right to request a review of the suitability of the accommodation they have been offered. Any offer of a home will not be kept open while the Applicant's case is considered but may be let to another Applicant who has bid. Homeless Applicants are therefore

encouraged to accept the offer that has been made to them, even if they intend to request a statutory review of its suitability.

(b) Other Applicants who the Council has a statutory duty to re-house

An Applicant owed a statutory duty to re-house other than a duty under the homelessness legislation (e.g. under a Compulsory Purchase Order; or Rent (Agriculture) Act duty) who refuses a reasonable offer of a home resulting from a Direct or Auto Bid on their behalf will result in the ending of that housing duty.

(c) Applicants who are ready to move on from supported housing in Mid Sussex

An Applicant who is ready to move on from supported housing in Mid Sussex who refuses a reasonable offer of a home resulting from a Direct or Auto Bid on their behalf will lose their priority in Band C (or Band B) and be re-banded to according to their current housing circumstances. An Applicant who refuses a reasonable offer may request a review of the suitability of the home they have been offered. However, any offer will not be kept open while the Applicant's case is considered but may be let to another Applicant.

(d) Applicants in a Band A, B or C category requiring approval by the Discretionary Priority Panel

An Applicant who is in one of the Band A, B or C categories that requires approval by the Discretionary Priority Panel who refuses a reasonable offer of a home resulting from a Direct or Auto Bid on their behalf will have their case referred back to the Discretionary Priority Panel who will consider whether the refusal was reasonable and whether the award of Discretionary Priority should remain or be removed. However, any offer will not be kept open while the Applicant's case is considered but may be let to another Applicant.

(e) Applicants selected by a Multi-Agency Panel for a tenancy in general needs housing with specialist floating support (see 22)

An applicant who has been selected by a Multi-Agency Panel for a tenancy in general needs housing with specialist floating support who refuses a reasonable offer of a home resulting from a Direct or Auto Bid on their behalf will have their case referred back to the Panel who will consider whether the refusal was reasonable and whether their selection for support should remain. However, any offer will not be kept open while the Applicant's case is considered but may be let to another Applicant. Where the Panel decides that the Applicant should no longer be selected, they will lose their priority in Band B and be re-banded according to their current housing circumstances.

How we prioritise bids

36. HOW BIDS ARE PRIORITISED

36.1 All bids that meet the criteria for each home are placed in priority order on a shortlist. With certain exceptions, priority is normally decided first by Priority Band and then by Priority Date within the Band. Exceptions to this are detailed under the headings below and under the further headings at **37–45** below.

36.2 **Where an Applicant's bids are first on the shortlist for more than one home**

When an Applicant is first in priority order on more than one home, the Homemove Team will use its best endeavours to contact the Applicant to allow them to choose which of these homes they should be nominated for.

36.3 **Tied bids**

Every bid will be assigned a random number when a bid is made and this number will be used to resolve a tie. The highest random number gets priority.

36.4 **If there are no successful bids on a home**

If there are no bids that meet the criteria for a home, the Homemove Manager will decide whether the home should be re-advertised or re-advertised as available for bidding from applicants in the Homemove partnership who are not registered on the Mid Sussex Common Housing Register.

36.5 **Transfer Applicants who are subject to possession action by their landlord**

Bids for homes will not be considered from any Transfer Applicant who is subject to possession action by their landlord, including those subject to a Notice Seeking Possession, unless their landlord expressly advises the Homemove Team, in writing, that they are happy for their tenant to move with arrears due solely to the Removal of the Spare Room Subsidy.

36.6 **Homes advertised as being 'subject to a sensitive letting'**

Bids from Applicants with a history of anti-social behaviour may be given less priority than bids from other Applicants for homes that are advertised as 'subject to a sensitive letting'. For full details see **38** below.

36.7 **Homes advertised as being 'subject to a local lettings scheme'**

Bids from Applicants for homes advertised as being 'subject to a local lettings scheme' will be prioritised according to specific criteria specified in the agreed scheme as detailed at **30** above.

37. HOUSING RELATED DEBT OR RENT ARREARS AFFECTING PRIORITY – special rules

37.1 Bids for homes will not normally be considered from a Transfer Applicant who is subject to possession action by their landlord, including those subject to a Notice Seeking Possession. See **28.4** above.

37.2 The Council considers that priority should be given to those applicants who do not owe money to a council or housing association in connection with housing.

- 37.3 Less priority will therefore be given to bids from an Applicant who has any housing related debt or rent arrears (whether legally recoverable or not) with the Council, another local authority, or a housing association, unless
- they are being considered for supported housing which is allocated by a Multi-Agency Panel under **48.3** below; or
 - they are being considered for specialised floating support in self-contained general needs housing which is allocated by a Multi-Agency Panel under **22** above; or
 - they have a debt but have kept to regular payments and the creditor expressly advises the Homemove Team, in writing, that they are happy for them to be housed with the debt; or
 - they are a Transfer Applicant and their landlord expressly advises the Homemove Team, in writing, that they are happy for their tenant to move with arrears; or
 - the Arrears Panel has decided, as an exceptional case, that priority should be given to the Applicant as if they did not have a debt, as described below at **37.9**.

- 37.4 Bids from an Applicant in housing need in Band A, Band B, or Band C to whom this applies will be given less priority than bids from other Applicants in any of these Bands until the debt or arrears have been cleared in full.

This means, for example, that a bid from an Applicant in Band A with a debt could be given less priority than a bid from an Applicant in Band B or Band C who does not have a debt.

- 37.5 Bids from Applicants in Band D to whom this applies will be given less priority than bids from other Applicants in Band D until the debt or arrears have been cleared in full.

- 37.6 For the avoidance of doubt, a bid from an Applicant in Band D will not be given a higher priority than a bid from an Applicant in housing need in Band A, B or C who has a housing related debt or arrears.

- 37.7 Although an Applicant with a housing related debt may be nominated for an allocation of housing, the housing association to whom the debt is owed or indeed any other housing provider may reserve the right to refuse the Applicant a tenancy until the debt is cleared.

- 37.8 Any Applicant affected by a decision that they are to be given less priority than other Applicants because of a housing related debt will be notified in writing, with reasons, by the Homemove Team.

37.9 The Arrears Panel

The Discretionary Priority Panel of officers described at **17.1** above may, as an Arrears Panel, consider cases where an Applicant would otherwise be allocated accommodation but for a debt. In exceptional cases, the Panel may consider that there is no reasonable prospect of the Applicant repaying such a debt, perhaps because it is considered that they are unlikely or unable to gain employment because of mental illness, learning or physical disability, or are considered to be unable to adequately manage their affairs. In such cases, the Panel may decide that priority is to be given to the Applicant as if they did not have such a debt.

38. ANTI-SOCIAL BEHAVIOUR AFFECTING PRIORITY –special rules

- 38.1 Some Applicants are excluded from joining the register because they do not qualify as a result of unacceptable behaviour see **11.7** above (Applicants who not qualify to be on the housing register).

- 38.2 However, even where it is decided that an Applicant does qualify, any history of anti-social behaviour of the Applicant (or member of their household) which affects their suitability to

be a tenant may still be taken into account when allocating a home that is 'subject to a sensitive letting' under a Local Lettings Scheme as described at **30.5** above.

- 38.3 Any Applicant affected by a decision that their history of anti-social behaviour may be taken into account when allocating a home that is 'subject to a sensitive letting' will be notified in writing, with reasons, by the Homemove Team.
- 38.4 Any home that is 'subject to a sensitive letting' will be identified as such when it is advertised.
- 38.5 Whilst any Applicant may bid for homes that are 'subject to a sensitive letting', the Homemove Team will consider bids from those with a history of anti-social behaviour on a case-by-case basis as to whether the Applicant is suitable to be allocated the home they have bid for.
- 38.6 The Council reserves the right to take full account of the needs of the local community as well as the Applicant's when deciding to make an allocation of accommodation to the Applicant. In very exceptional cases this right may extend to not allocating a particular home to an Applicant even where the home has not been advertised as being 'subject to a sensitive letting'. In such cases the Homemove Team will seek the authority of the Council's Housing Needs Team Manager.

39. FIRST LETTINGS OF A NEW HOUSING DEVELOPMENT – special rules

- 39.1 The Council is concerned that new developments of general needs housing in the towns and villages of Mid Sussex should enable those local people in housing need who wish to do so to remain in their local community so as to contribute to the sustainability of that community. Special rules designed to ensure this happens are set out below, although important exemptions to these rules are set out at **39.8** and **39.9**.

For the avoidance of doubt, the expression 'new developments of general needs housing' includes new developments of units for affordable home ownership where the Applicant may part own their home and new developments of units of affordable rented housing.

39.2 How Priority is given to local people

When allocating the first letting (or lease in the case of affordable home ownership developments – see **49.3** below) of a home within a new development of general needs housing in the towns and villages of Mid Sussex, priority will be given to bids from Applicants who have a Local Connection with the town or village where the new development is located, as defined at **39.6** below. In the case of a rural exception site, the local connection criteria that apply to the individual exception site will be used instead.

For the avoidance of doubt, with the exceptions set out **39.4**, **39.8** and **39.9** below, bids from suitable Applicants who have a Local Connection with the new development will be given priority over other bids. In practice, this means that the prioritising rules set out at **36 – 43** will first be applied to bids from a tranche of Applicants who have a Local Connection with the new development before these are applied to bids from other Applicants.

- 39.3 If the successful Applicant is a Transfer Tenant who currently occupies a home in the town or village where the new development is situated, the home they vacate will be treated as if it was a first letting of a home within a new development and bids for their home will be prioritised accordingly. For the avoidance of doubt in the case of rural exception sites, the home vacated will be allocated in accordance with the local connection criteria that apply to the individual exception site.

39.4 New homes advertised as suitable for Mobility Group 1 (full-time wheelchair users)

The Council is concerned that new homes that have been developed for full-time wheelchair users are given to applicants who need them, wherever this is possible.

Therefore, where a new home is advertised as suitable for Mobility Group 1 (full-time wheelchair users), priority will be given to bids according to the special rules set out at **41.1** below.

In other words, priority for these homes is determined by need rather than local connection. However, subject to those special rules, priority will be given to bids from suitable local Applicants who have a specific mobility need for these homes and who have the relevant Local Connection with the new development.

39.5 New homes advertised as suitable for Mobility Groups 2 and 3

When a new home is advertised as suitable for Mobility Group 2 or 3, priority will be given to bids from Applicants with a Local Connection to the town or village according to the special rules for prioritising bids for first lettings of new developments, whether or not the Applicant has a mobility need.

However, bids from local people with mobility needs will be prioritised above those without mobility needs according to the special rules set out at **41.2** below.

39.6 Local Connection with a town or village

To establish a Local Connection with a town or village an Applicant or joint Applicant must meet one of the following criteria:

The Applicant or joint Applicant

- a) resides in the town or village as their only or principal home and has done so for the previous 2 years; or
- b) has resided in the town or village as their only or principal home for a period of at least 3 years in aggregate out of the preceding 5 years; or
- c) is in paid employment in the town or village (working 16 hours or more a week) and has been for the previous 2 years; or
- d) has close relatives who reside in the town or village as their only or principal home and have done so for at least the previous 5 years, or the previous 2 years if the Applicant is aged 65 or over. Close relatives will normally only cover parents, adult children or brothers or sisters, including corresponding step relationships. Grandparents, grandchildren, aunts or uncles and non-adult children will normally be included only where the Council considers that it is necessary for the applicant to be accommodated within the town or village in order to provide or receive medical or social support to/from the relative.

39.7 Where no suitable Applicant bids with a Local Connection with the town or village

- In the event that no suitable Applicant has bid for a home in a town using the above Local Connection criteria, then bids from other Applicants on the register will be considered in the same way as if they had a Local Connection with the town in which the new housing development is situated.
- In the event that no suitable Applicant has bid for a home in a village using the above Local Connection criteria, then bids from Applicants with a Local Connection to the parish in which the village is located will be considered in the same way as if they had a Local Connection with the village.
- In the further event that no suitable Applicant has bid for a home in a village who has a Local Connection with the parish in which the village is located, then bids from Applicants with a Local Connection to a neighbouring parish will be considered in the same way as if they had a Local Connection with the village.
- In the further event that no suitable Applicant has bid for a home in a village who has a Local Connection with a neighbouring parish, then bids from other Applicants on the

register will be considered in the same way as if they had a Local Connection with the village in which the new housing development is situated.

39.8 Exemption for larger new developments

Larger new developments are intended to meet the housing needs of the whole District and are therefore exempt from the special rules set out above.

The exemption applies to new developments containing 250 homes or more in total. The total number of homes includes all private market and affordable homes in the whole development, whether or not the development comes forward in phases.

39.9 Other exemptions

The criteria set out above for the allocation of new general needs housing developments specifically excludes the allocation of new developments where there is a social or support service provided in conjunction with the accommodation or where the accommodation has been designed to provide facilities which are intended specifically for use by older people.

40. HOMES IN AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) OR THE SOUTH DOWNS NATIONAL PARK (SDNP) – special rules

40.1 The Council recognises that new developments within AONB or the SDNP that have been brought forward through Neighbourhood Plans are exceptional and intended to meet local housing need. To this end priority will be given to Applicants with a Local Connection to the village or parish where the homes are located, as set out below.

40.2 In the case of all first lettings of such developments, priority will be given to Applicants who have a Local Connection with the village or parish according to the rules set out above at **39** that cover First Lettings of a New Housing Development.

40.3 In the case of all subsequent lettings of a designated 50% of the homes in the development, priority will be given to applicants with a Local Connection with the village or parish as if they were first lettings of such developments. The rules set out above at **39** that cover First Lettings of a New Housing Development will therefore apply to all subsequent lettings of a designated 50% of the homes in such developments.

40.4 A development has been brought forward through a Neighbourhood Plan when a Neighbourhood Plan has been submitted to the Council in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. For the avoidance of doubt, the special rules set out above would also apply where a development has been brought forward in this way but planning permission for that development has been granted in advance of the adoption of the Neighbourhood Plan.

41. ACCESSIBLE HOUSING – special rules

41.1 Homes advertised as suitable for Mobility Group 1 (full-time wheelchair users)

- Priority will be given to bids from Applicants in Mobility Group 1 (full-time wheelchair users) who are in Bands A, B, or C.
- If no suitable Applicant is available, then priority will be given to bids from Applicants in Mobility Group 2 (part-time wheelchair users) who are in Bands A, B, or C who have a progressive degenerative condition that is likely in time to make them full-time wheelchair users or who have a substantial disability and are likely to be reliant on a wheelchair for the foreseeable future.
- If no suitable Applicant is available, then priority will be given to bids from Applicants in Mobility Group 1 (full-time wheelchair users) who are in Band D.

- If no suitable Applicant is available, then priority will be given to bids from Applicants in Mobility Group 2 (part-time wheelchair users) who are in Band D and who have a progressive degenerative condition that is likely in time to make them full-time wheelchair users or have a substantial disability and are likely to be reliant on a wheelchair for the foreseeable future.
- If no suitable Applicant is available, then bids from other Applicants will be given priority according to **41.2** below (Ground floor accommodation (or lift-access accommodation in blocks of flats)).

41.2 **Ground floor accommodation (or lift-access accommodation in blocks of flats) or any home advertised as suitable for Mobility Groups 2 or 3.**

See **29.5(b)** for description of Mobility Groups.

If the home is advertised as suitable for full-time wheelchair users (Mobility Group 1), then **41.1** above applies.

If the home is not advertised as suitable for Mobility Group 1, or it has been but there are no suitable bids from applicants meeting the criteria at **41.1**, then bids for any ground floor accommodation (or lift-access accommodation in blocks of flats) will be prioritised as follows:

- Priority will be given to bids from Applicants in Band A or B who are in any Mobility Group
- If no suitable Applicant is available, then priority will be given to bids from Transfer Applicants in Band C who are in Mobility Groups 1 or 2
- If no suitable Applicant is available, then priority will be given to bids from other Applicants in Band C who are in Mobility Groups 1 or 2
- If no suitable Applicant is available, then bids from other Applicants will be prioritised in the normal way, prioritising first by Band and then by Priority Date within the Band, giving bids from Armed Forces Personnel priority over bids from other Applicants in their Band (see **43** below).

42. **LARGE FAMILY HOUSES – special rules**

42.1 **2 bedroom 4 person houses**

So that best use is made of these larger 2 bedroom homes, whilst also giving priority to urgent housing need, Applicants bidding for these will be prioritised as follows:

- Priority will be given to bids from any Applicant in Band A with 2 children
- If no suitable Applicant is available, then priority will be given to bids from Transfer Applicants in Band B or C with 2 children
- If no suitable Transfer Applicant is available, then priority will be given to bids from other Applicants in Band B or C with 2 children
- If no suitable Applicant with 2 children is available, then bids from Applicants in Bands A, B or C with only one child will be considered, following the order of priority set out above
- If no suitable Applicant from Bands A, B or C is available, then bids from Applicants in Band D with 2 children will be considered.
- If no suitable Applicant is available, then the home will be re-advertised.

42.2 **3 Bedroom 6+ Person houses and 4 bedroom houses**

So that best use is made of these larger 3 and 4 bedroom homes, whilst also giving priority to urgent housing need, Applicants bidding for these will be prioritised as follows:

- Priority will be given to bids from Transfer Applicants in Band A or B or C with 4 or more children or with fewer children but a 4 bedroom need
- If no suitable Applicant is available, then priority will be given to bids from other Applicants in Band A or B or C who have 4 or more children or have fewer children but a 4 bedroom need
- If no suitable Applicant is available, then bids from Applicants in Band A or B or C who have 3 children or have fewer children but a 3 bedroom need will be considered
- If no suitable Applicant from Bands A, B or C is available, then bids from Applicants in Band D with 4 or more children or with fewer children but a 4 bedroom need will be considered.
- If no suitable Applicant is available, then the home will be re-advertised.

43. **ARMED FORCES PERSONNEL – additional priority, special rules**

43.1 Bids from Armed Forces Personnel will be given priority over bids from other Applicants in their Band when they bid on a suitable home if they are an Applicant who

- a) is serving in the regular forces and is suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- b) formerly served in the regular forces
- c) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who has served in the regular forces and whose death was wholly or partly attributable to their service; or
- d) is serving or has served in the reserve forces and is suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.

For this purpose “the regular forces” and “the reserve forces” have meanings given in section 374 of the Armed Forces Act 2006(a).

43.2 However, the additional priority given to bids from Armed Forces Personnel will not take precedence over the special rules set out above at:

- **39** (First lettings of a new housing development)
- **40** (Homes in areas of outstanding natural beauty or the South Downs National Park)
- **41** (Accessible housing)
- **42** (Large family houses)

44. **THE RIGHT TO MOVE – special rules**

44.1 Applicants who have exercised their Right to Move and who are exempted from the requirement to meet the Council’s Local Connection qualifying criteria, as set out at **11.2.2** and have been placed in Band C, category **(h)** will be given less priority than other Applicants in Band C who do have a local Connection with Mid Sussex or are otherwise exempted from requiring one under paragraphs **11.2.1** or **11.2.3**.

44.2 **Right to Move quota** – Allocation to these Applicants is limited to a maximum of 1% of properties allocated each year, amounting to 3 or 4 properties per year. The Council

considers this to be reasonable, taking into account the particularly high demand that exists from other Applicants who do have a Local Connection with Mid Sussex.

45. APPLICANTS ALLOWED TO JOIN THE HOUSING REGISTER DESPITE NOT SATISFYING THE LOCAL CONNECTION CRITERIA – special rules

Where Applicants over 55 have been allowed to join the HR to bid for sheltered and or Extra Care schemes but do not have a LC, they will be given less priority than those Applicants who do have a local connection. (see 11.2.4 above).

46. Changes to advertising, shortlisting, selection and offers

The Council is in the process of implementing a new IT system to underpin the assessment and allocation of social housing. This policy may be updated without the need to refer changes to committee to reflect changes that are made with the new IT system in how properties are advertised, shortlisted or offered to applicants and to reflect any enhancements that may be available that increases customer choice, such as automated bidding, mobile apps or any enhancements that reduce property void times such as daily or continuous bidding so long as it does not make changes to eligibility, qualifying persons, local connection or exemptions agreed in the policy.

The letting process

47. THE LETTING PROCESS

- 47.1 The prioritised list of Applicants who bid for a home will be nominated to the housing association landlord so that the home can be let.
- 47.2 After close of bidding, and to minimise delays, the housing association landlord may arrange multiple viewings for no more than the 3 highest bidding Applicants per home. The first Applicants to view the home are normally contacted within 5 working days of close of bidding. If contact cannot be made with an Applicant within 5 days, then another Applicant may be contacted.
- 47.3 Applicants will be required to bring proof of identity e.g. driving licence or passport to the viewing.
- 47.4 To ensure homes are let quickly and so minimise any loss of rent and homes being left empty unnecessarily, Applicants must be available and ready to sign for and take up an offer of accommodation they have bid for and viewed. If the successful Applicant has not signed for the tenancy within 3 days of viewing and verbally accepting the offer of the home, then the housing association is entitled to offer the home to the next Applicant.
- 47.5 If the Applicant at the top of the prioritised list refuses the home, the next Applicant will be offered it, and so on down the list of bidders.
- 47.6 In exceptional cases the housing association may refuse to accept the nomination of an Applicant who appears on the prioritised list if to do so would conflict with its own Lettings Policy. In such cases, the housing association will have to give reasons for its refusal to the Homemove Team who will consider the refusal in consultation with the Housing Needs Team Manager at Mid Sussex District Council.
- 47.7 For General Needs housing, the housing association lettings team will:
- usually arrange accompanied viewings, advising of any non-essential work to be completed after the tenancy start date, giving a target date for the completion of these
 - offer the Applicant the option to accept and invite to sign for the tenancy or agree to a decision within a reasonable time. Some flexibility is needed when vulnerable Applicants are involved who may need to consult with support staff or their Occupational Therapist before making a decision.
 - on refusal by the Applicant, note the reasons for refusal, and offer the home to the next Applicant
 - on failure of the Applicant to provide adequate proof of identity at the viewing, give the Applicant further time to provide this at the Letting Officer's discretion
 - notify the Homemove Team immediately the accommodation has been accepted and the name of the successful Applicant.

Direct allocation of some homes

48. DIRECT ALLOCATION OF SOME HOMES

48.1 Some homes will not be advertised and will not be available for bidding by Applicants. These homes will be allocated by Direct Allocation by the Homemove Team in liaison with the housing support provider; West Sussex County Council; or the Council's Housing Needs Team as appropriate. Direct Allocation will apply as follows below:

48.2 Supported housing

Most supported special needs housing (except sheltered housing) will be allocated through Direct Allocation and will not be advertised.

However, we allow Applicants who have been selected for specialised floating support in self-contained general needs housing to bid for a home of their choice (see **22** above).

48.3 Supported housing is allocated by a Multi-Agency Panel

48.3.1 Referrals of Applicants considered to be appropriate for specific supported housing schemes will be considered by a Multi-Agency Panel who will select the appropriate Applicant using scheme criteria which have been agreed with the Council.

48.3.2 All Applicants who are referred to supported housing vacancies that are subject to Council nomination rights will be prioritised on the basis of a combination of housing need and need for the specific support provided by the scheme in question.

48.3.3 An Applicant's housing related debt should not affect their selection for supported housing or the support that such Applicants may need. The rules at **37** above do not apply in the allocation of supported housing. However, the housing provider to whom the debt is owed may reserve the right to refuse the applicant a tenancy until the debt is cleared.

48.3.4 **Local Connection to Mid Sussex** – Only Applicants on the Mid Sussex Housing Register may be considered by the Multi Agency Panel. As with all Applicants, in order to qualify they must meet the Local Connection criteria that are set out at **11.2** above.

48.4 Temporary accommodation

Short term tenancies for homeless households in designated (or temporarily designated) temporary accommodation will be allocated through Direct Allocation.

48.5 Temporary and Permanent Decants of housing association tenants

Some homes may be allocated through Direct Allocation in order to effect Temporary and Permanent Decants of an existing tenant whose home is undergoing extensive repair or is to be demolished or redeveloped. See **28.5** and **28.6** above.

Other housing options available to applicants

49. ALTERNATIVES TO SOCIAL RENTED HOUSING

49.1 As in many areas in the South East of England there is a shortage of social rented housing in Mid Sussex compared to the demand for such accommodation. Applicants may wish to consider other housing options including the following:

49.2 Renting Privately

Renting privately is a good option to consider and offers several advantages over waiting a long time for social housing. Housing Benefit is available from the Council to help private tenants afford the rents that private landlords charge. Tenants may be entitled to receive Housing Benefit even if they are in paid employment. Help and advice on renting privately and financial help with deposits and rent in advance is available from the Council's Housing Needs Team or from the housing pages of the Council's website www.midsussex.gov.uk/housing.

49.3 Affordable Home Ownership Schemes

Applicants wishing to be considered for schemes designed to help people into home ownership should register with the Government's "Help to Buy Agent" (currently Bedfordshire Pilgrim Housing Association) for Low Cost Homeownership Schemes.

Priority will be given to Applicants with a Local Connection with Mid Sussex as defined at **11.2** above. Priority will then be given to Applicants who are existing social housing tenants in Mid Sussex, because this frees up affordable homes for other people, and Applicants who are armed forces personnel. Next priority is given to Applicants who are first-time buyers. Exceptions to this may be where funding has been provided to meet the housing needs of specific categories of people, such as key workers.

Priority for new developments of such schemes will be given to Applicants with a Local Connection to the town or village and then parish where the new development is situated, as set out in detail at **39** above.

49.4 Mutual Exchanges

Existing social tenants of any social landlord who wish to swap homes with another social tenant may wish to consider a Mutual Exchange. To do this, they should register on one or more of the home swap schemes available on the internet. However, both tenants must have the agreement of their landlords to carry out a Mutual Exchange.

Social tenants living in a Rural Exception Site Scheme may only carry out a Mutual Exchange with another tenant who meets the local connection criteria for the Scheme.

7. SITE ALLOCATIONS PLAN – STRATEGIC HOUSING AND EMPLOYMENT LAND AVAILABILITY ASSESSMENT

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
Contact Officer: Lois Partridge
Email: lois.partridge@midsussex.gov.uk Tel: 01444 477322
Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee for Housing and Planning
Date of meeting: 17th January 2017

Purpose of Report

1. The purpose of this report is to ask members to agree the Strategic Housing and Economic Land Availability Assessment (SHELAA) process, and the Site Selection Report assessment process. Appendix 1 sets out the proposed assessment processes.
2. The SHELAA assessment and the Site Selection Report will be used to inform the Committee's consideration of the sites nominated for development. This work will inform the preparation of the Site Allocations Development Plan Document.
3. National Planning Practice Guidance requires Local Planning Authorities to consult a range of stakeholders on the SHELAA assessment process. The report provides information on the consultation process which has been undertaken by officers as part of the work to revise and update the SHELAA and the Site Selection Assessment processes.

Summary

4. This report:
 - a) Describes the role of the SHELAA and Site Selection report, to inform the preparation of the Site Allocations DPD;
 - b) Sets out the proposed SHELAA and Site Selection report assessment processes, and notes that these documents are proposed to replace the SHLAA 2016 assessment process which was used to support the District Plan;
 - c) Identifies the key stakeholders whom officers have consulted on the proposed changes, and describes how their feedback has informed the SHELAA and Site Selection Report assessment processes.

Recommendations

5. **That the Scrutiny Committee:**
 - (i) **considers the proposed process for assessing sites through the Strategic Housing and Land Availability Assessment, and the Site Selection Report;**
 - (ii) **authorises the Divisional Leader for Planning and the Economy, in consultation with the Cabinet Member for Planning, to make any further necessary minor amendments to the proposed methodology, if required.**

Background

6. At an earlier hearing of the District Plan, the Council committed to preparing and adopting a Site Allocations DPD in 2020. The Committee will be aware that the Council has not received the Inspector's report on the District Plan, and that a further hearing into the District Plan Examination will take place on 5th February 2018, to discuss the proposed allocation at Hassocks. However, it is important to continue work on and to maintain momentum in preparing the Site Allocations DPD, to ensure that the Council can meet its commitment.
7. Scrutiny Committee considered a report on the early stages of the preparation of the Site Allocations DPD on 14th November 2017. The Committee commented that it should be the Scrutiny Committee which oversees the preparation of the Site Allocations Plan, rather than the Site Allocation DPD Members' Working Group and third parties. Officers have consulted developers and the Working Group on the draft SHELAA and Site Selection Report assessment process. This report sets out the responses from the Consultation, and will enable the Committee to have final oversight of these documents.
8. The National Planning Policy Framework requires all local authorities to prepare a Strategic Housing Land Availability Assessment (SHLAA), to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the Plan period, and requires that reviews of land available for economic development should be undertaken at the same time.
9. National Planning Practice Guidance (NPPG) states that the assessment forms a key component of the evidence base to underpin policies in development plans for housing and economic development, including supporting the delivery of land to meet identified need for these uses. NPPG notes that the SHLAA assessment does not in itself determine whether a site should be allocated for development. It is for the development plan to determine which of the sites are the most suitable to meet housing and employment need.
10. MSDC prepared a SHLAA in 2016 to identify sites suitable for housing, to inform the preparation of the District Plan. The assessment process on which the SHLAA was based was prepared in February 2015. Officers have now started to prepare the Site Allocations Plan; this process provides an opportunity to review the SHLAA Assessment process.

The role of the SHELAA and the Site Selection Report

11. The SHELAA is a document which lists all of the sites which have been promoted to the Council for consideration for development by landowners through the Call for Sites. The list also includes sites which were in the 2016 SHLAA, which continue to be promoted for development.
12. The SHELAA is a 'policy off' document, which provides a factual list of the sites nominated for development, and which identifies those sites which should not be considered further because of absolute constraints to development on those sites.
13. The SHELAA report comprises a map of each of the sites, and some brief text which provides a brief analysis of the suitability, availability and achievability of each site. The SHELAA also includes a list and map of each site which has been rejected from further consideration because of absolute constraints to development of the site.

14. The Site Selection report process comprises three stages. It assesses the extent to which development of each site would comply with the policies of the adopted Local Plan, the Neighbourhood Plan (where relevant) and the emerging District Plan. It provides a more detailed assessment of the opportunities and constraints associated with each site. Thirdly, it provides for more detailed evidence testing, and early engagement with landowners and statutory consultees.
15. The two documents provide information on all the sites which have potential for development, and an assessment of their suitability for development. The palette of sites set out in these documents will inform the strategy options in the Site Allocations Plan.
16. The key differences between the SHLAA 2015 methodology and the proposed assessment processes are:
 - The two stage assessment process of SHELAA and Site Selection Report now provides a clear distinction between the 'policy off' assessment in the SHELAA, and the assessment in the Site Selection paper which considers the policy context of proposed development;
 - In the revised SHELAA, only sites where development would be precluded by absolute constraints are removed from the assessment process. Previously, some sites were excluded from further assessment due to their location being wholly outside and unrelated to existing settlement built up area boundaries.
 - The Site Selection report makes provision for a full consideration of both opportunities and constraints, and allows for engagement with landowners so that constraints can be discussed and possible mitigation measures can be discussed.

Consultation Arrangements and Next Steps

17. The NPPG requires that when the SHELAA assessment process is reviewed, Local Planning Authorities should work with neighbouring Local Planning Authorities in the housing market area and the functional economic market area. The NPPG also notes that, from the earliest stages of plan preparation, developers, land promoters, parish and town councils preparing Neighbourhood Plans and others should be involved.
18. Officers have therefore consulted the following groups on the SHELAA methodology:
 - (a) A Developer Liaison Group meeting was held on 28th November 2017. There were 18 attendees, representing landowners, development companies, land promoters and registered housing providers.
 - (b) MSDC Officers met planning policy officers from Crawley Borough Council, a neighbouring authority in the housing market area. Horsham District Council was unable to attend, and was consulted by email. Authorities in the functional economic market area including Brighton and Hove Council, Adur and Worthing Council and Eastbourne and Lewes Council also attended a meeting to discuss the SHELAA assessment process.;
 - (c) A briefing for Town and Parish Councillors was held on 7th December 2017. Twelve parishes and town councils were represented at the briefing.

19. All consultees were given the draft SHELAA and Site Selection Report methodology to review, and were asked to submit comments to MSDC by a given date. Consultees were advised that if no response was submitted, it would be taken that they had no objections to the proposed methodology.
20. Feedback was received from a number of respondents. Appendix 2 sets out the comments which were received, and identifies where these have resulted in changes to the SHELAA and Site Selection Report assessment presented to Members.
21. It is anticipated that the SHELAA will be completed in Spring 2018, and the Site Selection Report in Summer 2018. This work, and other documents, will be submitted to Committee at appropriate times, to afford Committee regular oversight of the preparation of the Site Allocations DPD.

Financial Implications

22. Consideration of the issues raised in this report at this stage will inform the preparation of the Site Allocations Plan. The Site Allocations Plan will allocate further sites for housing and employment, ensuring economic development in the District, and providing the Council with a robust five year housing land supply.

Risk Management Implications

23. The SHELAA and Site Selection Paper form an integral part of the preparation of the Site Allocations DPD. If these documents are not prepared in a timely manner, the preparation of the Site Allocations DPD could be delayed. The Site Allocations DPD will identify housing sites which will enable the Council to demonstrate a five year housing land supply; without this document in place, the Council will be vulnerable to speculative planning applications.

Other Material Implications

24. There are no other material implications.

Appendix 1: SHELAA and Site Selection assessment processes.

Appendix 2: Table of responses to consultation on SHELAA and Site Selection assessment processes.

**Appendix 1 - Strategic Housing and Economic Land Availability Assessment
Phase I - SHELAA**

Site Survey stage			
	Task	Comment	Output
Stage 1	Undertake call for sites	Ended 30 th October 2017	
	Review existing sites in SHLAA	In particular sites which can accommodate 5 or more residential units, or employment sites which are 0.25 hectares or larger, or could accommodate 500sqm of employment floorspace.	
	Review other sources of site data	Review of planning history, previous SHLAA submissions, or pre-application discussions.	
	Update database to include new sites	Undertake site visits	
	Review sites and broad areas not promoted	NPPG requires LPA <i>'to actively identify sites through the desktop review and not simply rely on sites that have been informed about'</i> . The Council will also consider whether any broad areas which have not been nominated for development may be suitable.	
			Long list of sites – to be taken for further consideration
			Additional list which identifies sites too small for inclusion
Site Assessment			
Stage 2	Review BUA boundaries	Decisions to make on some sites, may show additional sites	
	Assess against absolute constraints	For housing and employment, sites wholly within SAC, SSSI, or a Scheduled monument. For housing sites, wholly within flood Zone 3b (the functional flood plain).	A short further list of rejected sites.
	Estimate density/site capacity	Using thresholds in Density topic paper and most up to date information on densities. Based on initial desk based study of developable area. Estimate of employment capacity.	
	Assess suitability based on key constraints	Consideration of types of development, guided by the development plan and market and industry requirements in the	

		housing market or functional economic area. Also consideration of physical limitations, potential impacts on landscape, nature and heritage conservation, likely market attractiveness and environmental/amenity impacts.	
	Assess availability based on key constraints	Evidence of promotion. Issues of multiple ownership, ransom strips or operational requirements of landowners.	
	Assess achievability	Council's initial desk top high level viability assessment, taking into account constraints. Requires a density assumption, based on the assessment set out above. The viability information will inform development potential of the site.	
	Timescale	Delivery (when site can come forward)	
	Maps of sites	Both included and rejected	Maps
			Production of SHELAA – includes a pro-forma for each site assessed.

Phase II - Site Selection Report

Confirming the Spatial Strategy			
	Review District Plan strategy, Neighbourhood Plan policies. For sites on the boundary of the District, a desk top study of relevant policies in neighbouring authorities will be undertaken.	Settlement Hierarchy Settlement patterns Residual number	
Detailed assessment of Constraints and Opportunities			
	Task	Comment	Output
	Further desk-top assessment of site opportunities and constraints, and mitigation measures.	Flooding Landscape Heritage Biodiversity Employment Accessibility Transport Pollution/contamination Relationship to built up area/adjacent settlements Impact on coalescence	

		Capacity to provide infrastructure AONB	
			SHELAA proformas with commentary
Detailed evidence testing, informal consultation of shortlisted sites			
	Early Engagement with Stakeholders (to identify potential opportunities and constraints)	Statutory consultees WSCC Public Transport NHS Police Utility and Service providers Other MSDC consultees	May identify a further constraint/ opportunity on site.
	Sustainability Appraisal	To inform site selection	May identify a further constraint/ opportunity on site.
	HRA		
	Transport Study		
	Landscape Capacity		
	Availability		
	Achievability/viability		
	SFRA		Site selection document will identify palette of potential sites for inclusion in the Issues and Options consultation paper

Appendix 2 – Table of Responses to Consultation on SHELAA and Site Selection Report Assessment.

Respondent	Comment	MSDC Response
<p>East Grinstead Town Council</p>	<p>The test of availability in Stage 2 of the SHELAA should refer to District Plan and Neighbourhood Plan policies, not just to District Plan policies.</p> <p>Site Selection Report – Spatial Strategy – sites should be considered against District and Neighbourhood Plans, noting supporting text.</p> <p>Site Selection report – Setting the Strategy – Constraint limitations should be considered here.</p> <p>Under Detailed Assessment of Constraints and Opportunities, the task should include an evaluation of the District Plan and Neighbourhood Plan evidence base.</p> <p>In the same section, for sites positioned close to the MSDC border, a desk top study of neighbouring planning authorities' conditions should be considered.</p> <p>Known site infrastructure and funding of infrastructure should also be taken account of.</p> <p>Tourism should be included in the constraints and opportunities assessment.</p>	<p>Disagree: the SHELAA provides a 'policy off' assessment; availability is tested against evidence of promotion, issues of multiple ownership, ransom strips or operational requirements of landowners</p> <p>Disagree: the suitability of sites is determined against planning policies. Inclusion of supporting text may lead to potential for conflicting guidance.</p> <p>Disagree: This section refers to policy considerations – Constraints and Opportunities are considered separately in the Detailed Assessment of Constraints and Opportunities.</p> <p>Disagree: the assessment will refer to adopted policies of the Development Plan which have been tested through an independent Examination.</p> <p>Agree: a desk top study will be undertaken for these sites.</p> <p>Agreed; this is covered by the change of wording which takes account of site opportunities and constraints.</p> <p>Disagree.</p>

Albourne Parish Council	How will sites which have been refused on appeal be assessed through the SHELAA?	Sites which have previously been refused on appeal will be reviewed to understand whether the reasons for refusal still apply, or whether the policy context has changed since then. It is not considered necessary to change the SHELAA assessment process to reflect this advice.
Adur and Worthing Council	<p>Only residential sites which lie wholly within the functional flood plan (Flood Zone 3b) should be excluded from further consideration.</p> <p>Employment sites in Flood Zone 3 should be included in the SHELAA, as such sites are usually classed as 'less vulnerable' to flood risk.</p>	<p>Agreed:</p> <p>Agreed: The SHELAA methodology has been amended accordingly.</p>
Brighton and Hove Council	<p>The Council should reconsider the average density for built up areas, especially in town centres, where there is potential for higher density housing.</p> <p>Phase II of the Site Selection process should look at potential impacts pre-and post - mitigation measures.</p>	<p>Agreed: the SHELAA Stage 2 text has been amended to note that a review of densities will reflect the most up to date information.</p> <p>Agreed: the text has been amended accordingly in the Site Selection Report.</p>
Horsham District Council	<p>Should the SHELAA refer to exclusion of Ancient Woodland, or sites within a reasonable distance of it?</p> <p>Will Local Nature Reserves be automatically excluded— although it is appreciated they don't have as much protection under the NPPF as SSSIs.</p> <p>No reference has been given</p>	<p>The NPPF notes that planning permission should be refused for developments which result in the loss of ancient woodland, unless the need for, and benefits of the development in that location clearly outweigh the loss. This is not an absolute constraint, and this planning balance will be applied in the Site Selection document.</p> <p>Agreed; Local Nature Reserves are not an absolute constraint to development and, as above, would be considered later in the Site Selection process.</p> <p>Agreed; the text of the</p>

	<p>to viability when assessing the achievability of the sites- it is mentioned under NPPG “Stage 2: How should the development potential be calculated?”</p>	<p>Stage 2 assessment ‘Assess achievability’ has been amended accordingly.</p>
Quod	<p>Where constraints to potential development are identified, consideration should be given to whether these can be overcome with mitigation measures.</p> <p>The methodology should recognise that some larger sites/freestanding developments will have the ability to deliver services/infrastructure on site.</p> <p>Site assessments should not rely on conclusions previously reached, but use all up to date information.</p> <p>The reference to ‘relationship to built up areas/adjacent settlement’ as a constraint should be removed to ensure that freestanding settlements are given fair consideration.</p>	<p>Agreed – text amended accordingly in Site Selection paper.</p> <p>Agree: this issue is already addressed in the Detailed Assessment of Constraints and Opportunities section of the Site Selection Report – ‘capacity to provide infrastructure’.</p> <p>Agreed; no change required to SHELAA.</p> <p>The Detailed Assessment of Opportunities and Constraints section has been amended to clarify Built Up Area boundaries could be a constraint or an opportunity.</p>
Denton Homes	<p>Developers should be given the opportunity to discuss any key constraints identified in Stage 2 of the SHELAA process so that mitigation measures can be identified if appropriate.</p> <p>Developers should be consulted on the likely deliverability of sites, so that the Council has the most up to date information.</p>	<p>Agreed; the language has been changed in this section to clarify what is meant by constraints in the SHELAA process, and in the Site Selection report, we have made clear measures to review mitigation measures to address constraints.</p> <p>The Site Selection Report already makes clear that developers will be consulted. Where information on sites is not up to date, officers will make every effort to contact developers/agents for an update on deliverability.</p>

	<p>In the Site Selection Paper, further engagement with landowners/agents/developers should take place to explore mitigation measures.</p> <p>It should be clear how the SA will inform the Site Selection process.</p>	<p>Agreed: this issue is already covered in the Site Selection assessment process.</p> <p>Agreed: every effort will be made to ensure that any comments on sites are transparent, and that sources of information such as the Sustainability Appraisal are referred to.</p>
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8. REVIEW OF MSDC's DESIGN REVIEW PANEL'S TERMS OF REFERENCE

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
Contact Officer: Will Dorman
Email: will.dorman@midsussex.gov.uk Tel: 01444 477535
Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee for Housing and Planning
Date of meeting: 17th January 2018

Purpose of Report

1. The purpose of this report is to ask Members to consider the proposed amendments to the Design Review Panel's (the Panel) Terms of Reference (ToR) set out in Appendix 1 following an assessment of the current practice in line with Royal Institute of British Architect's (RIBA) publication "Design Review Principles and Practice".
2. Subject to the above consideration, the Committee is asked to recommend that the Cabinet Member for Housing and Planning agree the revised Panel ToR.

Summary

3. This report outlines:
 - (a) The background to the establishment of the Panel and the need for it;
 - (b) The national guidance on Design Review Panels;
 - (c) The overall aims of MSDC's Panel; and
 - (d) The proposed key amendments to MSDC's Panel's ToR.

For Member consideration.

Recommendation

4. **That the Scrutiny Committee recommends to the Cabinet Member for Housing and Planning that he agrees the revised Design Review Panel's Terms of Reference**
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Background

5. The Government attaches great importance to the design of the built environment and the National Planning Policy Framework (NPPF) considers that good design is a key aspect of sustainable development and should contribute to making places better for people. As such the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities to improve the character and quality of an area. In order to ensure good design the NPPF continues that "*local planning authorities should have local design review arrangements in place to provide*

assessment and support....In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.”

6. MSDC's Panel (originally called the Architects Panel) has been running since 2003. Its aim is to raise the quality of design and the built environment in Mid Sussex by providing applicants with design advice on their development proposals. The Panel Members comprise local architects. In 2017 the Panel considered 35 proposals and the comments on the proposals have positively contributed in bringing about design improvements and in helping to resist schemes that are not of sufficient quality.

Issues

7. In 2016/17 a partial review of the Panel's ToR was carried out and this resulted in: increasing the annual number of Panel meetings from six to eight per year to ensure efficiency and capacity; and Panel Members have been divided into two panel groups of six members that meet alternately every six or seven weeks. This change involved a reduction in the number of Panel Members attending each meeting from 8-9 members down to 5-6 members and is consequently now in line with the RIBA guidance.
8. It is good practice to comprehensively review the ToR regularly to ensure that they are robust. This review has been done in line with the national guidance set out in the Royal Institute of British Architect's (RIBA) publication "Design Review Principles and Practice" and in particular follows RIBA's ten core principles set out below:
 - Independent – The proposed changes ensure that design reviews are conducted by people who are unconnected with the scheme's promoters and decision makers. A robust protocol is proposed to ensure that conflicts of interest do not apply.
 - Expert – The ToR currently requires design reviews to be carried out by suitably trained people who are experienced in design and know how to criticise constructively. Panel membership requires a suitable professional qualification or several years of relevant experience of working in the built environment. The proposed changes will ensure that ongoing scrutiny of members will be provided by annually reviewing and ratifying the performance of panel members. Currently new members are subject to an induction session in line with RIBA guidance. The changes proposed will require new Chairs to also attend an induction session.
 - Multidisciplinary – The RIBA guidance suggests that it is beneficial to have a range of specialisms. Currently the Panel has architects with specialisms in sustainability, urban design and conservation. The proposed changes provide for a more multi-disciplinary Panel by adding landscape expertise to the existing list of architectural specialisms. However, in order to avoid the potential for conflicting specialist advice, which the Council currently secures from other professional experts, it is not proposed to invite other specialists to join the panel. To ensure that Panel Members are fully aware of the Council's specialists views, they will now be summarised at the beginning of each item along with the planning framework.
 - Accountable – No changes are proposed to the ToR in respect of this principle as it currently provides for the attendance of District Ward Councillors at the meetings to give them early awareness of schemes and help them understand the Panel's views.

Councillors can ask questions when the presenters are in the room, and are asked for their local knowledge to clarify the Panel's comments during the subsequent debate. However, Councillors will not otherwise contribute to the Panel's debate and deliberations after the presenters have left the room.

- Transparent – The ToR is currently available to view on the Council's website setting out the governance processes. The proposed changes make clear the funding arrangements (a fee of £240 for a major scheme, and £120 for a minor scheme is charged to applicants for the consideration of their schemes by the Panel).
 - Proportionate – Only schemes that are considered significant will warrant the Panel's consideration. Currently these are either large schemes or smaller schemes which are particularly prominent or sensitive or if there are special architectural considerations. To help ensure there is more capacity, the threshold of consideration for residential schemes is proposed to be raised from 50 to 100 dwellings. It is also proposed that mixed use schemes with a significant residential component are included for consideration.
 - Timely - In line with the NPPF, the ToR currently encourages schemes to be submitted early-on at the pre-application stage of the planning process; the ToR changes make this clearer. To help improve the efficiency and speed of the planning process the proposed changes now state that schemes will not normally be considered by the Panel more than twice (the exception may be large complex mixed use schemes) with the first submission at pre-application stage, and the second submission at the application stage.
 - Advisory – The ToR currently make clear the advisory nature of the Panel, and for the sake of clarity, it will continue to provide an overall assessment of the scheme in terms of their support or objection to schemes.
 - Objective – The attendance of ward councillors at meetings should allow the views and sensitivities of the surrounding communities to be taken into account. In addition the proposed changes include a list of considerations to help ensure that appraisals are reasoned, objective and comprehensive. This will be aided by the provision of site visits on sensitive sites.
 - Accessible – No changes are proposed in respect of this principle; the ToR currently states that a Council officer (normally the Urban Designer) is responsible for recording the Panel's comments and they are agreed by the Chair and normally circulated to all attendees within 3 working days. Where they relate to a planning application, the notes will continue to be incorporated with the other application documents on the Council's website and in the case officer's report.
9. Although RIBA suggests the desirability for extended reviews of some schemes, MSDC's panel does not provide for half or whole day scrutiny as the additional costs would generate a significantly larger fee for applicants and a greater time commitment for local panel members who are unpaid. The updated ToR has nevertheless sought to give each scheme more time to allow for fuller consideration. This will be assisted through the following changes:
- A reduction in the number of schemes coming before the Panel facilitated by: (a) limiting schemes to two visits to the Panel; (b) increasing the minimum qualifying

threshold for residential developments from 50 to 100 units (not including prominent or sensitive schemes).

- The provision of site visits where it is felt necessary;
- Requiring a more comprehensive set of drawings from the applicant that should allow a clearer understanding of the scheme.

10. It should be noted that the RIBA publication is guidance, the principles are not absolute requirements, and local authorities have some flexibility in setting their ToR. Whilst not all RIBA suggestions have been taken on board, the comprehensive review proposes changes to the ToR which will ensure RIBA objectives are met.

11. The review has been subject to consultation with Panel Members and developers who have provided useful comments on how the Panel can be improved so that it can help developers through the planning process.

Financial Implications

12. There are no direct financial implications to the Council.

Risk Management Implications

13. If the revised ToR is not agreed, it could potentially undermine the authority of the Panel particularly in terms of the need for clear procedures for dealing with conflict of interests.

Equality and Customer Service Implications

14. This report has no direct equality and customer service implications.

Other Material Implications

15. There are no other material implications.

Appendix 1: Design Review Panel's Revised Terms of Reference

Appendix 1: Scrutiny Committee for Housing and Planning 17th January 2018

Draft Revision (*in italics*)

Mid Sussex District Council's Design Review Panel

Terms of Reference

THE AIM

The aim of the Design Review Panel is to raise the quality of design and the built environment in Mid Sussex *by providing design advice and comment at an early stage to support the delivery of improved planning proposals in a timely fashion.*

THE ROLE OF THE PANEL

The role of the DRP is to provide independent and professional design advice and evaluation on key developments. It does not have decision making powers; rather it provides an advisory role.

A report of the panel's comments and recommendations will be provided to the applicant as advice. Where advice is given at planning application stage, the comments and recommendations will also be noted in the Planning Officer's report to the Planning Committee, if it is not a delegated decision. The DRP's recommendations will carry the same weight as other technical assessments.

The DRP must focus their advice on design issues, and its consideration will normally include the following aspects:

- Architectural integrity: Do the various elements of the design display unity and harmony, from a functional, structural and aesthetic perspective? Does the design successfully co-ordinate the interior and exterior of the building(s)?*
- Context: Does the layout and the building design respond well to its surrounds? Does the scheme take advantage of existing features, topography? Is it practical, particularly in terms of pedestrian and vehicular access and connections?*
- Environmental performance: Is the sustainability agenda central to the design approach, and has the design been evolved with this in mind?*
- Character: Is it an individual and imaginative design solution?*
- Detail: Is the scheme well detailed? Are high quality materials employed?*

MEMBERSHIP

A range of design skills and diversity of membership will be sought. As well as architects, there should be dedicated specialists providing sustainability, urban design, conservation and landscape advice. Panel members will nevertheless normally be qualified architects or landscape architects; if not, they should have several years experience of advising in one of the above fields.

There will normally be a pool of between 10 and 14 members; and these should comprise a geographical spread from the surrounding area.

FREQUENCY AND ORGANISATION OF PANEL MEETINGS

There will normally be eight panel meetings per year that meet approximately every 6-7 weeks/1.5 months. The 10 to 14 members will be divided into two panel groupings (Panel A and B) of 5 to 7 members each that meet alternately so every member will have the opportunity to attend four meetings per year at approximately 3 monthly intervals. The composition of each panel will be agreed annually at the December Annual General Meeting. The panel groupings will be organised, as much as possible so they incorporate a range of skills with matched pairs on both panels (allowing some interchange when panel members are not able to attend a particular meeting).

The minimum attendance of a panel meeting will be 4 members and there should not be more than 7 members.

OTHER ATTENDEES

MSDC Ward Councillors will be invited to attend DRP meetings, for schemes within their ward that are presented by applicants. This is to provide them with early awareness of schemes and help them understand the DRP's views. Councillors will be permitted to ask questions when the presenters are in the room, and may be asked for their local knowledge to clarify the DRP's during the subsequent debate. However, Councillors will not otherwise contribute to the Panel's debate and deliberations after the presenters have left the room.

Attending members will be required to fill in a form to state whether they have or have not pre-determined their view.

RECRUITMENT / SELECTION OF PANEL MEMBERS

Advertisements will be placed in the RIBA South *and Landscape Institute's* newsletters and will state that: *"MSDC is committed to equality of opportunity for all staff and applications from individuals are encouraged regardless of age, disability, sex, gender reassignment, sexual orientation, pregnancy and maternity, race, religion or belief and marriage and civil partnerships."*

Curriculum Vitae's will be sought from candidates. The selection of new panel members will be based on the Council's selection criteria. The CV's will be circulated to panel members in advance of a DRP meeting, where new panel members will be selected in liaison with Council officer(s).

Before they are a fully appointed panel member, new members will need to attend a half day induction session run by the Chairs and appropriate Council officers (including MSDC's Urban Designer). It will be made clear that the final decision on appointment will be dependent on the candidate's performance at the induction workshop exercise.

APPOINTMENT OF CHAIR

The DRP will elect two Chairs and Vice Chairs (sitting on Panel A and B) for the following year through majority vote at the Annual General Meeting which will take place every December. To qualify as a Chair or Vice Chair, a member will need to have experience of sitting on a design panel for at least two years.

When the Chair is unable to attend a meeting, either the Vice Chair will stand-in, or he/she will swap meetings with the Chair of the other panel.

Before chairing their first meeting, new Chairs will attend an induction session run by previous or existing Chairs and appropriate Council officers (including MSDC's Urban Designer).

ONGOING SCRUTINY OF MEMBERS

In order to maintain high standards, the DRP Chairs together with the Council's Urban Designer and a Planning Team Leader will meet annually to review and ratify the performance of panel members.

CONFLICT OF INTERESTS

Where there is a conflict of interest, the panel member cannot attend the meeting and should be replaced by another panel member (normally a paired member).

Panel members will respond within one week of the email invitation to panel meetings to confirm whether there is a potential conflict of interest in respect of any of the items on the agenda.

In assessing a potential conflict of interest, the Chair will consult with an appropriate Council officer (normally the Urban Designer). If it is the Chair who has the potential conflict of interest, then it is the responsibility of the Vice Chair and Council officer to assess. If there is any doubt whether there is a conflict of interest, then the Council's Legal Services will be consulted. A record of all potential and actual conflicts of interests will be kept by the Council.

When panel members present their own scheme (or a scheme designed by their practice), he/she should not present to the panel in which they normally sit, and will not attend for any other part of the meeting.

PROFESSIONAL INDEMNITY INSURANCE

All panel members must hold professional indemnity insurance that covers their professional work.

The A4 sheet on the Guidance for Presenters (sent out with meeting agendas) will include a "without prejudice" sentence that explains the following basis upon which the DRP makes its comments:

"These are the panel's views and they do not prejudice the Council from making whatever decision it considers appropriate on any planning application".

Correspondence to presenters with the notes of the meeting will also include this sentence.

EXPENSES

The Panel members travel expenses to and from MSDC Panel meetings will be reimbursed at the end of the financial year on receipt of the necessary details.

BUDGET

The budget will be generated by fees paid by applicants for the consideration of their schemes by the DRP. *This will be £240 (inc VAT) for a major scheme, and £120 (inc VAT for a minor scheme). This will also cover one re-submission.*

SCHEMES FOR CONSIDERATION

The Panel will normally consider the following:

- Residential schemes of more than **100** dwellings
- Non-residential schemes of more than 2500 square metres.
- *Mixed use schemes with a significant residential component*

Outline schemes for the above, which are not proposing scale, appearance, layout or landscaping for determination, will not be considered by the DRP unless the application provides a good level of supporting information on the design (these schemes will be considered by the DRP at the reserve matters stage when there is the requisite level of detail).

Smaller schemes will be considered by the DRP where officers determine the need for the panel's consideration. This could be because of the prominence or sensitivity of the site or the scheme or because there are specific architectural considerations, which might apply with unusual or innovative schemes such as new houses that fall within the provision of NPPF paragraph 55.

RE-SUBMISSIONS

Schemes will not normally be considered by the DRP more than twice (the exception may be large complex mixed use schemes) with the first submission at pre-application stage, and the second submission at the application stage.

A re-submitted scheme should be considered by the same panel (ie. with the same members) that originally considered it; if the timescale does not provide for this, then paired members will be asked to swap so there is at least one representative from the original meeting.

The second submission should only deal with points that have been previously raised or points arising from the changes that have been made since the original presentation.

MEETING FORMAT

Formal presentation of schemes will be necessary for new schemes, and for resubmissions, when they have been specifically requested by the Chair or the applicant, and where there are technical issues that need to be explained, notably on paragraph 55 schemes.

The designer/architect should normally take the lead role in presenting the scheme. Other consultants and the client are also invited to attend and speak, however it is recommended the presentation team is limited to a maximum of 4 people.

Depending on their size, *at least 50* minutes should be allocated for presented schemes.

The typical format for a presented scheme will be:

- Background briefing by MSDC officer(s) on the key Planning and Design issues. As well as the professional Planning and Transport input, the Council has professional specialists to give their expert views on urban design, conservation / listed building matters, landscape impact of schemes upon areas of outstanding natural beauty (AONB). Where these issues are relevant to a planning proposal, it is appropriate for the DRP to be aware of the involvement*

of the Council's specialists, and their views should normally be summarised at the beginning of the item (alongside the planning background) and the DRP should take them into consideration in their design assessment of schemes.

- ii. Applicants invited into the room to make their presentation *(20 minutes maximum)*
- iii. Questions and Answers session with the applicants
- iv. Applicants leave the room and DRP discussion
- v. Chair sums up confirming the DRP's overall assessment of the scheme

Where a formal presentation is not deemed to be necessary on a re-submitted scheme, the case officer in conjunction with MSDC's Urban Designer will be responsible for presenting the changes to the scheme with specific reference to the DRP's previous comments; followed by DRP discussion and the Chairs summing-up. Depending on the size and number of issues, between 20 and 30 minutes will be allocated for this.

SUMMING-UP

At the end of the discussion, the DRP will provide an overall assessment of the scheme. This will normally be one of the following:

- Support
- Support with amendments to the design
- Object

When a planning application is imminently due for determination, the option "support with amendments" will be withdrawn. Instead conditions may be suggested (in consultation with the case officer).

Occasionally, the DRP may consider there is insufficient information submitted to reach a conclusion. This should normally be avoided by ensuring that adequate information is incorporated in the presentation material.

SITE VISITS

Site visits should be undertaken for proposals of particular sensitivity or complexity. The decision as to whether or not a site visit is necessary should be taken by the Chair. Logistically this may need to be limited to two or three panel representatives. Transportation to sites can be arranged by the Council.

PRESENTATION MATERIAL

The DRP's assessment is dependent on the quality of the presentation material. The applicant must provide sufficient information in their presentation that allows the DRP to assess the scheme properly. The following will normally need to be supplied:

- *Existing and proposed drawings including a site plan (showing survey contours and trees with root protection areas), elevations, floorplans, street elevations, site sections and building sections. More detailed elevations and section drawings will be needed when the quality of the architecture is dependent on junction details*

- *Drawings that illustrate the site analysis and the design ethos of the proposal including illustrations of how sustainability, conservation, drainage and landscape considerations have influenced the design.*
- *Photographs of existing site and context*
- *3 dimensional images / perspectives / photomontages of the proposal*

A physical model will be welcomed by the panel as part of the presentation if the applicant feels it helps in explaining their proposals

Applicants should submit their presentation two weeks before the panel meeting, allowing one week for additional information if it is considered necessary, and one week for circulation to the panel members; if the presentation material is not considered sufficiently comprehensive by the Chair one week before the meeting, the item will be withdrawn from the agenda.

NOTE TAKING AND CIRCULATION

A Council officer (normally the Urban Designer) is responsible for recording the DRP's comments. If not the exact wording, then the tenor of the DRP's views will be recorded. Before the notes are circulated, the Chair must agree them and make necessary amendments. The presenters, panel members and relevant officers (including the case officer and managers) will normally be sent the notes within 3 days of the Panel meeting.

Where they relate to a planning application, the notes will be incorporated with the other application documents on the Council's website. The DRP's comments will also be included in the case officer's report.

9. SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME 2017/18

REPORT OF: Tom Clark, Head of Regulatory Services
Contact Officer: Hamish Evans, Member Services Officer
Email: hamish.evans@midsussex.gov.uk Tel: 01444 477227
Wards Affected: All
Key Decision: No

Purpose of Report

1. For the Scrutiny Committee for Community, Housing and Planning to note its Work Programme for 2017/18.

Summary

2. Members are asked to note the attached Work Programme. The Work Programme will be reviewed as the final piece of business at each meeting, enabling additional business to be agreed as required.

Recommendations

3. **The Committee are recommended to note the Committee's Work Programme as set out at paragraph 5 of this report.**
-

Background

4. It is usual for Committees to agree their Work Programme at the first meeting of a new Council year and review it at each subsequent meeting to allow for the scrutiny of emerging issues during the year.

The Work Programme

5. The Committee's Work Programme for 2017/18 is set out below:

Meeting date	Item	Reason for Inclusion
21 Mar 2018	The Developer Contributions SPD	To consider the consultation results on the Developers Contributions SPD, proposed amendments to the document and to make recommendations to Council.
21 Mar 2018	MSP Annual Report	Annual report on performance for Mid Sussex Partnership
21 Mar 2018	Mid Sussex Wellbeing Service 2018/19	To set out the future plans for the Wellbeing Service.
21 Mar 2018	Equality and Diversity Scheme Annual Progress Report	To update Members on the Council's Equality and Diversity Scheme.
21 Mar 2018	Work Enablement Update	To update Members on the Councils Work Enablement Scheme.

Policy Context

6. The Work Programme should ideally reflect the key priorities of the Council, as defined in the Corporate Plan and Budget.

Financial Implications

7. None.

Risk Management Implications

8. None.

Background Papers

None.