
26 February 2019

Dear Councillor,

A meeting of **SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING** will be held in the **COUNCIL CHAMBER** at these offices on **WEDNESDAY, 6TH MARCH, 2019 at 7.00 pm** 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 consider any items that the Chairman agrees to take as urgent business.	
5. To confirm the Minutes of the meeting held on 29 January 2019.	3 - 6
6. Equality and Diversity Progress Report 2018.	7 - 24
7. Review of the Housing Allocation Scheme.	25 - 86
8. 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

Working together for a better Mid Sussex



N Walker (Chairman), M Hersey (Vice-Chair), A Barrett-Miles, E Belsey, R Cherry,
P Coote, S Ellis, S Hatton, C Hersey, C Holden, A Jones, E Matthews, A Watts Williams,
J Wilkinson and P Wyan

**Minutes of a meeting of Scrutiny Committee for Community,
Housing and Planning
held on Tuesday, 29th January, 2019
from 7.00 pm - 7.53 pm**

Present: N Walker (Chairman)
M Hersey (Vice-Chair)

E Belsey
R Cherry
S Ellis

C Hersey
C Holden
E Matthews

A Watts Williams
J Wilkinson
M Binks

Absent: Councillors A Barrett-Miles, P Coote, S Hatton, A Jones and
P Wyan

Also Present:

**1. TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 4 - SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

Councillor Binks substituted for Councillor Hatton.

2. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Barrett-Miles, Coote, Hatton, Jones and Wyan.

**3. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF
ANY MATTER ON THE AGENDA.**

None.

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

None.

**5. TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON
21 NOVEMBER 2018 AND THE JOINT SCRUTINY COMMITTEE HELD ON 18
DECEMBER 2018.**

The minutes of the Committee held on 21 November 2018 and the joint Scrutiny Committee meeting on 18 December 2018 were agreed as correct records and signed by the Chairman.

**6. EXPANSION OF USE OF POWERS CONTAINED WITHIN THE ANTISOCIAL
BEHAVIOUR, CRIME & POLICING ACT 2014**

The Chairman highlighted para 16 of the report and reminded Members that this was an expansion of powers already held by the Council. He thanked the officer for the flowcharts which helped to explain the issue of Community Protection Notices (CPN) and Public Spaces Protection Orders (PSPO).

Kate Wilson, Business Unit Leader for Community Services, Policy and Performance introduced the report. The Business Unit Leader commented that the Council was only using some of the powers of the Act and it was not the Council's responsibility to be a police force but to use their powers where it was appropriate to do so. Members were advised that this was not a quick fix or a solution for all Anti-Social Behaviour (ASB) and the Council would continue to work with their statutory partners, i.e. Police.

Members discussed whether the use of CPNs would be the appropriate action to take for ASB issues, if there were issues all across Mid Sussex, what support was available for abusers and their families and how the success would be measured. The Business Unit Leader commented that the powers would be used in a measured and proportionate manner in line with the guidance; however ASB usually stops once a Community Protection Warning has been issued. If required the matter could be escalated by issuing a Fixed Penalty Notice (FPN) on a person or a body whether they had an active or passive role in the behaviour and only a delegated and trained officer could escalate the matter with a FPN. She noted that if a FPN is breached then the matter would be reviewed by a Magistrate.

Minors and family members would be offered support from various agencies and a Mid Sussex Anti-Social Behaviour Risk Assessment Conference (ASBRAC) should be held fortnightly to assess the requirements and monitor each breach. The success of expansion of powers would be assessed annually.

The Business Unit Leader advised that any comments regarding the provision of Police Wardens should be directed to the Town Council and the powers could be expanded to other agencies and training would be offered. The agencies would all work in the same way and share information. She noted that Empowering Communities Inclusion and Neighbourhood Management System (ECINS) is a national database and some agencies have access and confirmed that it is used by the Police and British Transport Police. With regard to pressures on budgets the Mid Sussex work closely with the Task and Finish Group.

In response to a question the Business Unit Leader advised Members that landlords would be at the Mid Sussex Anti-Social Behaviour Risk Assessment Conference (ASBRAC) meetings and they could apply to a Magistrate for a CPN once a criminal conviction was received. Norman Webster, Cabinet Member for Community acknowledged that some Housing Associations do evict tenants but this is the ultimate sanction after all other avenues have been exhausted. He noted that some complex issues take a while to resolve and agencies should always be mindful of the circumstances.

Members also discussed the time frame to escalate issues, how the public would be made aware of the Council's expanded powers, whether the extended powers cover front and back gardens and queried actions regarding noise issues.

The Business Unit Leader confirmed that the public would be advised of the extended powers as part of an educational process and that alone might prevent some issues and a 30 day consultation involving the public, police and police crime office must take place before any PSPOs are put in place.

Tom Clark, Solicitor to the Council noted that planning officers can serve a Section 215 notice if untidy front gardens are detrimental to the street scene. He also confirmed that Environmental Health would act on noise issues.

The Members were advised that with car cruising the actions of the congregated car enthusiasts usually caused the problems, such as loud music and revving of engines.

Norman Webster, Cabinet Member for Community stated that the expansion of powers was another tool the Council could use to address issues which had caused traffic congestion and deaths in other local authorities. He noted that parents/carers/guardians were responsible for minors and a FPN could be issued to them. Using the services of various support agencies parents would be provided with the necessary skills to control the minor.

As there were no more questions, the Chairman took Members to the recommendations as set out in the report, which were agreed unanimously.

RESOLVED

The Committee;

- (i) Noted the contents of the report and agreed to adopt the additional powers under the ASBCP Act 2014 for the uses specified,
- (ii) Approved delegation of authority to specified officers to use these powers,
- (iii) Approved authorisation to further extend the scope of the powers to be at the discretion of the relevant Head of Service.

7. STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

Lois Partridge, the Business Unit Leader for Planning Policy and Economy introduced the report and noted that it is a legal requirement to update the Statement of Community Involvement (SCI) at least every five years. The current SCI dates from 2011 and has been updated to ensure it complies with all national policy and guidance and the District Plan. It was noted that the draft went to public consultation in the autumn of 2018. Several responses proposed no changes and the adjustment to the wording on page 15 of appendix two encourages planning applicants to engage with Town or Parish Councils. The Business Unit Leader for Planning Policy and Economy commented that the consultation included the Guidance on Planning Performance but no comments were received. The SCI is not a statutory document but requires adopting by the Council to fulfil its legal compliance.

In response to a Member's question Judy Holmes, Assistant Chief Executive confirmed that the Council was working towards adopting the Community Infrastructure Levy (CIL) and could not do so until the Government had concluded their consultation.

Andrew MacNaughton, Cabinet Member for Housing and Planning noted the comprehensive report and advised that the Council had to have an SCI or they could be challenged.

The Chairman noted that only 5 responses were received and commended the highly qualified officers on their work. He advised Members that the Business Unit Leader

for Planning Policy and Economy was leaving the Council and thanked her for her hard work.

As there were no more questions the Chairman took Members to the recommendations as set out in the report, which were agreed unanimously.

RESOLVED

The Committee:

- i) Considered the proposed changes to the draft Statement of Community Involvement in response to public consultation;
- ii) Considered the Guidance Note on PPAs and;

Recommended that:

- a) The Council adopts the draft Statement of Community Involvement and
- b) The Cabinet Member for Housing and Planning approves Guidance on the use of Planning Performance Agreements for publication on the Council's website.

8. SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME

The Chairman noted the tabled amended work programme.

Tom Clark, the Solicitor to the Council introduced the work programme and informed Members that the report on the conservation work would be presented at a future committee meeting.

The Chairman moved to the recommendation which was agreed unanimously.

RESOLVED

The Committee agreed the tabled work programme.

9. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 7.53 pm

Chairman

EQUALITY AND DIVERSITY PROGRESS REPORT 2018

REPORT OF: HEAD OF REGULATORY SERVICES
Contact Officer: Neal Barton, Policy and Performance Manager
Email: Neal.Barton@midsussex.gov.uk Tel: 01444 477588
Wards Affected: All
Key Decision: No
Report to: Scrutiny Committee for Community, Housing and Planning
Date of meeting 6th March 2019

Purpose of Report

1. This report provides Members with an update on progress in 2018 against the Council's Equality and Diversity Scheme 2016 – 2020.

Recommendations

- 2. The Scrutiny Committee is requested to endorse the Council's approach to meeting its duties under the Equality Act, as evidenced by the Equality and Diversity Progress Report 2018 included at Appendix 1.**
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Background

3. The Equality Act 2010 places a duty on the Council to publish an annual report setting out progress to their Equality and Diversity Scheme. The Council's Equality and Diversity Scheme 2016 – 2020 was approved by Council on 23 March 2016 and it was agreed that annual reports on progress should be provided to the relevant Scrutiny Committee.
4. The Council's Equality and Diversity Scheme has been shaped by the Equality Act 2010, which introduced a number of responsibilities for councils, including a public sector equality duty and a requirement to promote equality of opportunity between those with "protected characteristics" and others. The public sector equality duty means that the Council must in the exercise of its functions have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - advancing equality of opportunity between people who share a protected characteristic and those who do not
 - fostering good relations between people who share a protected characteristic and those who do not.

The nine protected characteristics are:

- age
- sex
- race
- disability
- religion or belief
- pregnancy and maternity
- sexual orientation
- marriage and civil partnership
- gender reassignment

The Act also introduced specific duties for public bodies to publish Equality Objectives and equality data to show their compliance with the duty.

5. The Council continues to mainstream its equalities work with our customer services activities, recognising that meeting the needs of individual customers for Council services is consistent with good equalities practice. In addition to considering the needs of those with protected characteristics, our equalities work looks at disadvantage arising from income or skill level and by virtue of where people live.
6. An additional feature of the report this year is the inclusion of information regarding the Council's work in relation to the Armed Forces Community Covenant to support those who have served in the Armed Forces and their families. The Council achieved the Bronze Employer Recognition Scheme award in January 2018.

Progress Report 2018

7. The Annual Report for 2018 is included at Appendix 1 and sets out progress against the Council's Equality Objectives. Particular areas of progress include:
 - continuing to use our Corporate Grants Scheme to provide for organisations that support vulnerable people
 - the holding of the annual play day events in parks at Burgess Hill, Hurstpierpoint, East Grinstead and Haywards Heath, which attracted over 4,600 local children and their families.
 - further progress with the dementia friendly Mid Sussex initiative to develop Dementia Friendly Communities in each of the three towns in the District.
 - targeting improvements to the health of vulnerable people through the work of the Health and Wellbeing Team and concessionary use of our leisure centres.
 - further development of Silver Sunday in Mid Sussex, which is intended to mitigate the problem of loneliness amongst older people, with twelve events held across the District.
 - investment in our property assets and providing facilities with improved accessibility.
 - Provision of assistance to vulnerable residents affected by the roll out of Universal Credit, working through Citizens Advice and the Department of Works and Pensions.
8. The Annual Report provides examples of work that has been done over the past year to improve the lives of some of the most disadvantaged members of our community and helping them to overcome the barriers to fulfilling their potential. It concludes that overall good progress has been made in meeting our duties and highlights further initiatives to be developed in the year ahead.
9. In addition to service improvement for those with protected characteristics, the progress report comprises information about the composition of the Council's staff with regard to age, ethnicity, disability and gender. This includes the Council's gender pay gap and related information, which is required to be published under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
10. Members are asked to consider the Annual Report and advise whether there are any areas of the Council's Equality and Diversity activity that require further emphasis.

Policy Context

11. The Annual Report demonstrates progress against the Council's Equality Objectives. The delivery of these objectives will make a major contribution to the priorities set out in the Corporate Plan.

Other Options Considered

12. The report updates on progress to the Equality and Diversity Scheme, which is designed to set out a programme to meet the Council's statutory requirements under the Equality Act. No other practicable options were identified.

Financial Implications

13. There are no direct financial implications arising from this report.

Risk Management Implications

14. The Progress Report helps the Council to continue to demonstrate that it is meeting the public sector equalities duty under the Equality Act and to avoid the risks associated with non-compliance.

Equalities and Customer Services Implications

15. Customer service and ensuring equality of access are of continuing importance, especially with regard to meeting the needs of those who are vulnerable or may find it difficult to access our services. The report sets out steps to meet the needs of vulnerable groups and refers to the Council's programme of impact assessments, which are designed to promote equality and to identify and address the barriers that may prevent people accessing its services.

Other Material Implications

16. None.

Background Papers

17. None.

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MID SUSSEX DISTRICT COUNCIL

Equality and Diversity Progress Report 2018

February 2019

INTRODUCTION

This is the Council's ninth annual Equality and Diversity progress report, setting out the achievements made in furthering equality and diversity in Mid Sussex. It highlights the key pieces of work we have undertaken as a District Council and sets out the future direction of action to provide fair and inclusive services.

Progress is reported against the context of the Council's Equality and Diversity Scheme 2016-20, which contains a set of Equality Objectives as follows:

Objective 1- We will show leadership and commitment in promoting equality and diversity.

Objective 2- We will consider the needs of individuals across the whole community, and especially those groups protected by the Equality Act 2010, when we plan and deliver our services.

Objective 3- We will seek to prevent discrimination and to promote good relations between different sectors of the community.

Objective 4- As an employer, we will seek to promote equality and respect for diversity in the workplace by providing appropriate policies, training and support.

The Scheme identifies actions to support the delivery of these objectives. It also sets out measures to ensure that the Council meet its public sector equality duty and ensures that discrimination does not occur on the grounds of the protected characteristics set out in the Equality Act 2010. These protected characteristics are race; disability; sex; gender reassignment; sexual orientation; religion or belief; age; pregnancy and maternity; marriage and civil partnership.

In addition to considering the needs of those with protected characteristics, our Equality and Diversity Scheme and this progress report looks at disadvantage arising from income or skill level and by virtue of where people live. Also included in this progress report is information about the Council's work to support the Armed Forces Community Covenant.

PROGRESS IN DELIVERING SERVICE IMPROVEMENTS IN 2018

This section identifies service improvements for the protected groups, together with those who may find it difficult to access services by virtue of where they live and those with poor skills or low incomes. Some of our initiatives cover a range of equalities issues. These include our systems for reporting and dealing with hate crime and anti-social behaviour; safeguarding; the operation of our grants schemes; provision of activities through our leisure centres; and the Health and Wellbeing service.

Hate Crime Reporting

Figures for Hate Crimes reported in Mid Sussex for the last two years are shown below:

Type of Hate Crime	Year to January 2018	Year to January 2019
Transgender	4	8
Religion	9	7
Disablist	11	10
Sexuality	13	17
Race	61	77
Other*	3	16
Total Hate Crime Motivators	101	135

+ Hate "Other" has only been included since June 2017

A hate incident/hate crime is any incident where the victim of another person believes that they, the victim have been targeted because of their perceived race, religion, sexual orientation, disability or gender identity. Sussex Police point out that hate crimes are under reported and the increases are seen as the success of initiatives to raise awareness of hate crime and how it can be reported. Work across the County has been especially geared towards the greater reporting of hate crimes involving disability. Sussex Police has also put an emphasis on building trust with the LGBT community to report homophobic and transgender motivated hate crime.

Safeguarding

Mid Sussex District Council continues to work in partnership with both the West Sussex Safeguarding Children's Board and Safeguarding Adults Board to ensure co-ordinated responses across West Sussex. The Council's new Safeguarding Children and Adults Policy was adopted in 13 December 2017 accompanied by a programme of training for both Members and Officers.

Support to community organisations through our Grants Scheme

The operation of our grants scheme continues to support a wide range of community organisations and projects that seek to assist vulnerable groups. Overall in 2017/18 a total of £437,088 of Economic, Community Development and Facility Grants were awarded from the Council's grants budget, attracting an estimated further £2,430,505 of investment into projects and facilities.

The grants scheme includes partnership agreements with a core of voluntary organisations that support vulnerable people of all ages and backgrounds, such as the Citizens Advice; Age UK; Mid Sussex Voluntary Action (MSVA); and Action in Rural Sussex. These partnership agreements are now awarded over a three year period to provide continuity and financial security to these organisations, with grants of £231,244 awarded in 2017/18..

Information about the contributions of the partnership agreement organisations to disadvantaged groups in Mid Sussex is provided below:

- The three CAB centres in Mid Sussex dealt with over 10,000 enquiries in Mid Sussex. The top advice categories were benefits and tax credits (33%); housing (14%); employment (13%); relationships and family (12%); and debt (10%).
- Age UK has around 800 older people in Mid Sussex who are members of their three centres in Burgess Hill, East Grinstead and Haywards Heath. The centres provide older people with a place where they can meet and socialise, enjoy a cooked lunch or take part in activities like short mat bowls, arts and crafts, quizzes and exercise classes.
- Mid Sussex Voluntary Action support local charities, volunteers, community groups, non-profit organisations and social enterprises. MSVA provide local voluntary groups with expert advice on funding generation, employment law, management and training. They also help to promote the value of volunteering and assist local organisations to recruit more volunteers. The Council has continued to provide financial support to this organisation, despite the withdrawal of funding by Horsham District Council from April 2018.
- Action in Rural Sussex (AirS) provides valuable support to village halls, which are often the heartbeat of rural communities. This has included provision of legal, organisational and development advice for the trustees and management committees running these facilities on behalf of local people.

Leisure Centres

The Council's Leisure Centres provide a balanced range of activities to suit all sectors of the community. The contract to run our Leisure Centres includes a target for the percentage of concessional use. Groups who benefit from lower charges include the over 60's; juniors of 16/17 years of age; students in full-time education; those in receipt of certain benefits such as Job Seekers Allowance; and registered carers. In 2017/18, concessionary attendances amounted to 34% of the total. The Leisure Centres also work through the GP Exercise Referral Programme and provide activities for local schools and community groups.

The Health and Wellbeing service

The Health and Wellbeing Hub continues to be developed with a high emphasis on targeting people in the community who are at risk of the poorest health. It focuses on the prevention of cardio-vascular disease and provides advice, guidance and support to local residents in lose weight, get active, stop smoking and reduce alcohol intake. The services provided by the Hub are of particular benefit to vulnerable groups, for example in addressing issues associated with an ageing population, fuel poverty and support for carers. Examples of their work this year have included:

- The falls prevention programme which has been integrated into the Local Falls Pathway (especially useful for older people to improve their strength and mobility) with classes held in East Grinstead and Haywards Heath
- Wellbeing Coaches who support people with complex health and wellbeing issues on a one to one basis.
- The prediabetes programme, which is delivered in GP surgeries across Mid Sussex and targets people at risk of developing type 2 diabetes. People at risk include those with a high body mass index and adults from ethnic minority backgrounds. The majority of referrals have been via GP practices.
- The Wellbeing Team in October provided a Living Well Event for Older People at the Dolphin Centre, in partnership with Places for People and the Alzheimer's Society. The Event united against dementia and gave the opportunity to learn more about staying fit and well in later life. Other charities, voluntary groups and local organisations were on hand to provide free wellbeing health checks and free audiology testing.
- The Wellbeing Team also provided a Health Event in Lindfield in October, which provided workshops to promote good mental health.

There is also a Mid Sussex Health and Wellbeing Network which is made up of approximately 80 organisations, both statutory and third sector working within the broad field of wellbeing. This is convened by the Hub quarterly and is a key source of exchanging information and getting referrals to and from the service. Specific meetings this year have included Keeping Warm and Accessing Support; Community Funding; Advocacy and Mental Health: and Housing Support Opportunities.

FOCUSED WORK AROUND PROTECTED CHARACTERISTICS IN 2018

The next section of the report identifies service improvements for the protected groups last year.

Disability

The 2011 census showed that 14.2% of Mid Sussex households contained at least one person with a long term illness, health problem or disability which limits their daily activities.

Health Study information and projections to 2030, suggest a particular increase in the number of people aged 65+ with a disability in Mid Sussex.

Specific action in 2018 included:

- The Council's Housing Standards Team provided 91 Disabled Facilities Grants during 2017/18. These delivered a range of home adaptations to help disabled people to live more independently in their own homes, including ramps, stairlifts, adapting kitchens for wheelchair use and replacing baths with level access showers. A further 95 have been awarded in the period April to December 2018.
- New inclusive playground equipment has been installed in the Fry Crescent area of Burgess Hill. The equipment allows all children, including those with special educational needs and disabilities to be active.
- Disabled Parking Accreditation for Mid Sussex car parks - fifteen of the Council's car parks have been awarded Disabled Parking Accreditation by Disabled Motoring UK. This means the car parks meet strict criteria for the provision of spaces, accessibility and clear enforcement of disabled bays.
- 2 wheelchair accessible new affordable housing units have been provided in 2017/18 and a further one in the period April to December 2018.
- The Council's Licensing Team prosecuted a private hire driver who denied a visually impaired customer access to his vehicle because they had a guide dog with them. This is an offence under the Equality Act 2010. Following this case, taxi drivers have been required to undertake disability awareness training.
- A hackney carriage unmet demand survey has been carried out, which found that there is adequate hackney carriages availability in the District and sufficient wheelchair accessible vehicles.
- The Council provides taxi vouchers, which is a discretionary service for Mid Sussex residents who suffer from a disability or have restricted mobility and are unable to use a bus pass for concessionary travel. In 2017/18 there were 131 users of the scheme at a cost of £2,770.
- Mental Health Week – the Wellbeing Team worked with Burgess Hill Town Council, Sussex Oakleaf and Mid Sussex CVS to provide a series of free events to mark Mental Health Week 14 – 20 May.
- The Council awarded a grant to the national charity Fixers for a scheme to tackle mental health issues in the District.
- Grants have been awarded to local groups that promote the interests of people with disabilities, including Disability Access; the Grace Eyre Foundation for people with learning difficulties; Sign Health service for young deaf people; Sussex Association for Spina Bifida and Hydrocephalus; Kangaroos Saturday and Holiday Club for young people with learning disabilities; and Summerhaven for mental health drop-in sessions.

Age- older people

Age is a fundamental factor affecting people's life experiences. According to the 2011 Census, 18.1% of the Mid Sussex population are aged 65 and over and the Office for National Statistics has projected that this will increase to 21.2% by 2021. Figures from the 2016 West Sussex Life Report suggest that the population of Mid Sussex over 65 has increased by 14.5% from the Census to the time of the 2015 ONS estimate - from 25,307 to 28,980. The Life Report also states that in 2013 there were 2,154 people with dementia in Mid Sussex and predicts that we will see an increase of 67% by 2030.

Specific action in 2018 included:

- Twelve Silver Sunday events, funded by the Council, were held across the District in October. Silver Sunday is intended to mitigate the problem of loneliness amongst older people and to provide an opportunity for them to join together and make new connections.
- The Community Connections Directory of Services for Older People was issued by the Health and Wellbeing Team, developed in partnership with organisations working with, and for, older people in Mid Sussex. This includes an on-line version, which allows groups to keep their service information up to date <http://www.community-connections.org.uk/>
- A Living Well with Dementia Day was held on 14 October at the Dolphin Leisure Centre, organised by the Wellbeing Team in partnership with Places for People, the local Dementia Action Alliance and Alzheimers Society.
- The Council co-ordinates the Dementia Friendly Mid Sussex Group comprising the three local town Dementia Action Alliances and West Sussex County Council. The group meets to work towards dementia friendly communities across the district, share good practice and undertake joint projects.
- The Orchards Shopping Centre is part of the Haywards Heath Dementia Action Alliance and has achieved the status of “Dementia Friendly Haywards Heath.” The centre management team, along with many retailers have become Dementia Friends, which enables them to feel more confident in dealing with customers who become confused or disorientated in the centre and town.

Age – younger people

The Council facilitated the Mid Sussex District Council youth council called the ‘Youth Voice’, which disbanded in January 2016 due to a decrease in numbers. The Council continues to work with West Sussex County Council’s Youth Cabinet who have young members resident in Mid Sussex. Elections for 2018/19 were held in March and were promoted by Mid Sussex District Council on our website. The Cabinet members are in post for 2 years.

The Council’s Better Young Lives Coordinator leads a forum of professionals from both the statutory and voluntary sector to ensure better lives and outcomes for children and young people. The current number of partners is 66 representing 34 organisations. Four meetings are held per year with updates given by local organisations on the services provided. Issues discussed at meetings of the Better Young Lives Group have included addressing drugs related crime involving young people in County Lines and Cuckooing.

Specific action in 2018 included:

- The sixth annual play day events were held in parks at Burgess Hill, East Grinstead, Haywards Heath and Hurstpierpoint. The theme of this year’s events was “beside the seaside” and included all the rides, games and creative activities inspired by the traditional British beach holiday. Activities included donkey rides, Punch and Judy shows, bouncy castle, helter skelter, face painting, arts and crafts and circus skills. The free events are designed to celebrate National Play Day and the campaign to highlight the importance of play in people’s lives. This year’s events were attended by more than 4,600 local children and their families.
- The fifth annual Young Volunteer of the Year awards were held at Borde Hill Gardens in June to coincide with National Volunteers week. This celebrates the work of young people in the District and can range from caring for family members to volunteering in their local community group. Awards included Young Community Volunteer, Young Leader, Young Achiever; Peer nominated and the Chairman’s Special award.

- A Skatefest event was provided at Court Bushes Recreation ground, Hurstpierpoint in February as part of an afternoon of sport and recreational activities.
- The new skate park at Victoria Park in Haywards Heath was formally opened in March. The design of the park has been informed by the skater community and is suitable for all ages, abilities and disciplines.
- The Council held a Dragon's Den STEM (Science, Technology, Engineering and Maths) Challenge involving local schools to design and market an electric bike.
- A grant was provided to Fixers Public Health Broadcasting Trust for a youth and mental health project.
- Free creative arts workshops for young people were held in July in song writing, song production, dance, physical theatre and creative writing.
- A grant of £698 was provided to Ashurst Wood Youth Club to purchase a multi-use games table.
- The Council hosted a Young Democracy Event which welcomed pupils from Haywards Heath and Lindfield so they could learn more about democracy and how Councils work.

Race

The 2011 Census showed that 9.7% of the Mid Sussex population are from Black and Minority Ethnic (BME) Groups. "White Other" is the biggest of the BME Groups at 4.8%, with Asian or Asian British: Indian the largest single other group at 1%:

- The Council coordinates the Equality and Inclusion group (a sub-group of Better Young Lives). The group brings partners together to discuss and share knowledge and good practice to promote equal and inclusive services for all communities.
- The Council's Community Development Officer has organised English Conversation classes for people with English as a second language. Sessions have been held at Burgess Hill and East Grinstead and focus on themes relating to daily living. The lessons have been provided in response to feedback from members of BME communities in Mid Sussex. Following the course, the participants are advised how to access accredited language courses.
- As a result of relationships built whilst attending the English Conversation classes, participants set up a community group (Mid Sussex Multicultural Group) and received West Sussex County Council funding to deliver Children's English support classes and Women's Mediation classes.

Gypsies and Travellers

- We have previously worked to assess the need for additional pitches for Gypsy and Traveller accommodation in the District and are identifying potential sites for their location. The Traveller Sites Allocations Development Plan is being taken forward alongside the District Plan.
- The Council continues to manage the Bedelands site at Burgess Hill, which provides 9 plots for Gypsies and Travellers.

Sexual Orientation

- Hate crime reporting on the basis of homophobia continues to be reported through the Crime and Disorder Partnership.

Religion or Belief

Churches are often the first to recognise problems in their local communities and many offer help to vulnerable people who are affected. The Council's work in this area centres upon

countering religiously motivated hate crime, helping to promote good relations between the different faiths in Mid Sussex and using our links with faith based groups to provide access to services.

- Our Housing Needs Team refer people to the Haywards Heath, East Grinstead and Burgess Hill Foodbanks, which have connections to local churches. The Burgess Hill foodbank also runs a service in Hurstpierpoint. Vouchers are provided which can be redeemed for three days of emergency food. 162 food vouchers were issued by the Housing Needs Team in the period January to December 2018, compared to 99 in the previous year.
- Church groups were contacted to input to the annual count of rough sleepers in Mid Sussex and were involved in the organisation of the Silver Sunday events.

Sex

- A grant was awarded to the Mid Sussex Active for their “Girls Get Active” programme to enable 240 young girls at risk of becoming disengaged with exercise to take part in activities.
- Walking Netball sessions have been provided at The Triangle in Burgess Hill. These are primarily aimed at getting women, back into exercise, but are also available for men to attend.
- The Walking Football Scheme for men over 50 has been well attended. There have also been some men only Weight off Workshops provided. The proportion of male clients of the Wellbeing Team over the year was 31%.
- A grant was awarded to the Hurstpierpoint Festival for the delivery of a graffiti workshop at Court Bushes skate park, with the theme of peace and gender equality.

Men and Women Suffering Domestic Abuse

An important aspect of our service provision related to the protected characteristic of sex is the assistance provided for people suffering domestic abuse. The number of recorded domestic abuse crimes in Mid Sussex has risen in the calendar year 2018 to 975 crimes compared to 825 crimes in 2017. This is seen as an indication of the success of measures to encourage the reporting of domestic abuse and accessing support.

There are a range of services and initiatives aimed at responding to domestic abuse. These include the WORTH services, which provide support to victims of domestic abuse and are based at hospitals in West Sussex, and the Multi-Agency Risk Assessment Conference (MARAC) which brings together responsible agencies in West Sussex to discuss those cases with the highest risk of harm.

The Council’s Housing Needs Team had 40 requests for housing advice in cases involving a violent breakdown of relationship with a partner in 2017/18, compared to 43 cases in the previous year. There is a cross-tenure outreach service provided by Stonham Housing Association. This provides housing related support to victims of abuse to enable them to be “safe at home” or enable victims to secure a safe home.

Gender Reassignment

- Community safety - our hate crime incident reporting includes the recording of hate crime motivated by transphobia, which refers to various kinds of aversion towards transsexual people.

Gender Identity Issues in Mid Sussex

With regard to gender identify issues amongst young people, Better Young Lives currently has 66 partners representing 34 organisations from the voluntary and statutory sector. The forum provides an opportunity to share information and network. The group has discussed support services available for young people facing gender identity and wider LGBT issues.

Allsorts Youth project is based in Brighton and is an organisation that supports LGBTU (lesbian, gay, bisexual, transgender or unsure) young people. Young people in Mid Sussex are able to access IAG (Information, Advice and Guidance) from the West Sussex County Council Find it Out service based at Park Centre, Burgess Hill where they can be referred to a range of support groups and organisations including the Youth Emotional Support Service (YES).

Residential Location

The Council recognises that whether our residents live in a rural or urban location can affect how they access our services. Issues from rural isolation include transport difficulties for those dependent upon public transport, high local housing prices and a lack of community facilities.

Supporting local communities

- A grant was awarded to Ashenground Community Centre, Haywards Heath for outdoor games as part of their Open afternoon in July.
- The Targeted Intervention Project supports a number of community based projects, including initiatives based around Bentswood in Haywards Heath. These have included work with the Bentswood Community Project.
- A grant was awarded to Maple Drive Community Group, Burgess Hill towards the cost of their Summer Fayre.

Community facilities

- The Council has worked with Hurstpierpoint Parish Council to provide a Hurstpierpoint Community Hub at the former site of the Ex-Serviceman's Club at Court Bushes Recreation Ground. The new community building will be a flexible space that can be used in different ways by local community groups. Resident and community representation will inform the management and governance of the building requirements in order to ensure maximum community benefit to the local community.
- Improvements are being delivered to the play facilities at World's End Recreation Ground, Burgess Hill informed by consultation with the local community completed over the summer.
- Consultation has been undertaken to inform the facilities to the community hub facilities to be provided at the Keymer Brick and Tile Community Building in Burgess Hill..
- Crawley Down Community Centre Association (Haven Centre) were provided with a grant towards CCTV and hall refurbishments. This is a multi-purpose community centre providing a venue for many groups and organisations.
- Positive discussions have taken place with Stone Quarry Crew, Clarion Futures Housing and West Sussex County Council's community development team to develop a proposal for a community recreational space at Spring Copse, Stone Quarry in East Grinstead.

Housing Initiatives

- New affordable housing delivered in 2017/18 included 62 homes outside of the three main towns. These included schemes at Lindfield, Crawley Down, Pease Pottage, Hurstpierpoint, Ansty and Pyecombe. Since April 2018, a further 14 have been delivered in more rural areas through a scheme at Little Park Farm, Hurstpierpoint.

Income or Skill Level

The District is generally prosperous, but there are pockets of deprivation in each of the three main towns. Worklessness is more prevalent amongst those in social housing and people on low incomes are also in danger of suffering from fuel poverty. There was an estimated 42 NEETs (Not in Education, Employment or Training) young people in Mid Sussex at October 2018.

- Support has been provided for 16-19 year old NEETS through the NEETS Forum and commissioning the Positive Placement Scheme delivered by the YMCA Downslink Group. This provided mentoring support, with 29 young people supported in the first nine months of the year, of which 13 have gone into education, employment or training.
- Your Energy Sussex has provided a switching scheme designed to help people switch to energy suppliers that are more economical and to promote sustainable energy.
- 97 new affordable housing units were delivered in 2017/18, 65 for rent and 32 shared ownership. A further 71 new affordable homes have been delivered in the period April to December 2018.
- The Council's Benefits Service and Housing Needs Team worked with the Department for Works and Pensions (DWP) and local voluntary organisations to prepare for the roll out of Universal Credit in the District last June. The Council has allocated DWP grant funding to deliver Personal Budgeting Support and Assisted Digital to Citizens Advice to provide support to vulnerable Universal Credit claimants.

Support for the Armed Forces Community

Mid Sussex District Council signed the Armed Forces Community Covenant in September 2014, which is a statement of mutual support between the District Council and the local Armed Forces community. The Council also received the Bronze Employer Recognition Scheme award in January 2018, which shows support for the Armed Forces community through its employment policies. Initiatives associated with this have included the adoption of a guaranteed interview scheme for suitably qualified applicants with an armed forces connection and proper recognition in the Council's employment policies of provision for members of the Reserve Forces.

The main Council service that has had contact with veterans, reservists or active members of the Armed Forces is Housing. The Housing Register identifies those with an armed forces connection as they are exempted from the usual requirements to have a local connection. There are currently 5 households on the Register with an armed forces connection and 7 applicants with an armed forces connection have been housed through the Housing Register since June 2017.

The Housing Needs Team are currently working with one rough sleeper who has formerly served in the Armed Forces. He has made a homelessness application and the Council is providing temporary accommodation pending the outcome of his application.

The Council continues to publicise the Heroes Welcome Scheme and there are 12 businesses signed up to the scheme in Haywards Heath. Support has been provided through the Council's Grants Scheme for the Beacons of Light World War One commemorations. Town and Parish Councils were encouraged to light a commemorative beacon as part of the Centenary celebrations with a grant of up to £250. 7 Town and Parish Councils received funding and beacons were lit across Mid Sussex on Remembrance Sunday.

The Council purchased a 6ft Tommy Silhouette from the 'There but Not There' campaign. This is displayed on the wall outside the main reception, where a 2 minute silence was observed by officers and Members.

Councillors took part in wreath laying ceremonies at local churches across Mid Sussex on Remembrance Sunday.

Equality and Diversity and the Council's staff

In addition to looking at improvements to services in the context of the equality and diversity, this progress report also provides information about the Council's staff. As part of the requirement to publish Equality Data, we produce an annual monitoring report about the composition of our staff compared to the background Mid Sussex population. This includes information about age, sex, pay gap, ethnicity, sexuality, religion and belief and is published on the Council's website <http://www.midsussex.gov.uk/my-council/about-the-council/equality-and-diversity/equality-data/>

At the end of December 2018 the Council had 306 employees, 223 full-time and 83 part-time, with the following profile:

- 125 (41%) are men and 181 (59%) women
- 47% of senior managers (defined as the top 5% of earners) are women
- 20 (6.54%) have identified themselves as disabled
- 10 (3.27%) are from ethnic minority communities
- 6 (2%) are under 21 years of age
- 30 (9.8%) are 21-29
- 61 (19.9%) are 30-39
- 77 (25.2%) are 40-49
- 99 (32.4%) are 50-59
- 33 (10.8%) are over 60.

The Council's gender pay gap in 2017/18 was 6.3% calculated by comparing the mean average male and female employee pay. This compares to 9.2% in 2016/17. The Council's median average gender pay gap for 2017/18 was 11.2%, compared to 9.9% in the previous year. This compares to the ONS national median average pay gap of 17.9% for all employees including part-timers and 8.6% for full-time employees. The gender pay gap is different to equal pay. Equal pay deals with the pay differences between men and women who carry out the same jobs, similar jobs or work of equal value. It is unlawful to pay people unequally because they are a man or a woman.

New legislation came into force from 31 March 2017, which required all private and voluntary sector organisations with 250 or more employees to publish their gender pay gap. The legislation also extends the pay gap information that the Council has to publish and submit to the Government. In addition to the mean and median average gender pay gaps, quartile gender pay distributions must be published. The Council's quartile pay distribution data is shown below:

Upper Quartile-	Men 49.3%	Women 50.7%
Upper Middle Quartile	Men 40.5%	Women 59.5%
Lower Middle Quartile	Men 37.3%	Women 62.7%
Lower Quartile	Men 37.3%	Women 62.7%

For staff with a disability, the Council is a “Disability Confident Committed” employer, recognising our commitment to the employment, retention, training and career development of disabled employees. This includes a commitment to interview all disabled applicants who meet the minimum criteria for a job vacancy and to consider them on their abilities.

The age profile of the Council’s staff in respect of the number of employees under 21 has been improved by the taking on of additional apprentices. Also, two former apprentices have been taken on as permanent members of staff.

Equality and Diversity Training

All recent new starters at the Council have received equality and diversity training. This has had an emphasis on understanding unconscious bias. All staff are also required to complete an equality and diversity on-line training module. Arrangements are in hand for equalities to be included in the induction and training for all new Members following the May 2019 election.

Equality Impact Assessments

The Council completes impact assessments where there are major changes to a service area or new policies. The assessments identify opportunities to promote equality and the barriers to services/differential impact on the protected groups in Mid Sussex. Assessments have been completed in 2018 for:

- Amendments to the Housing Allocation Scheme
- Voter Identification pilot for local council elections

All of the completed impact assessments are published on the Council’s website and can be found at <http://www.midsussex.gov.uk/my-council/about-the-council/equality-and-diversity/equality-impact-assessment/>

There is also a standard section in all of the Council’s reports to Members, which assesses the “Equality and Customer Services Implications” of the actions referred to in the report.

CONCLUSIONS AND LOOKING FORWARD TO THE YEAR AHEAD

This report includes many examples of how the Council, working with its partners, is providing for the needs of the protected groups in the District and addressing disparities arising from where people live and their income or skill level.

The Council will be looking to further develop its equality and diversity work in the year ahead. Specific areas for development in 2019 include:

- Expansion of the Play Days to include a mobile outreach play pilot for children and families in targeted areas of the District during the school holidays.
- Setting up a Dementia Friendly Safe Haven in the Council’s main reception for people with dementia and their carers.

- Implementing a Corporate Volunteering Scheme to assist local community groups.
- Setting up a comprehensive affordable warmth offer for residents including a home energy visitor service, with the support of the West Sussex Affordable Warmth Partnership.
- Expansion of the falls prevention programme and provision of a falls prevention roadshow.
- Further development of the Council's work to support the commitments in the Armed Forces Covenant.
- Delivering additional Changing Places public toilets in the District , with new facilities to be provided for the Orchards Shopping Centre, Haywards Heath; World's End Recreation Ground at Burgess Hill and at the new Community Hub at Court Bushes, Hurstpierpoint .

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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
6th March 2019

Purpose of Report

1. To ask the Scrutiny Committee for Community, Housing and Planning to comment on revisions to the Council's Allocation Scheme prior to submission to key partners for their comments and to Council for approval of the scheme.
2. Subject to any further amends and Council approval on 26th June 2019, the scheme will be implemented as soon as operationally possible. The proposed amended Scheme is attached.
3. There are two types of changes to the Scheme. The first relate to minor changes which are to provide clarity, and to ensure that the Scheme is consistent with changes in legislation. These changes are highlighted in green in the Allocation Scheme at Appendix 1. The second relate to changes to the scheme which this Committee is being asked to scrutinise and these are highlighted in yellow in the Allocation Scheme at Appendix 1.
4. To agree that following consultation with key partners, the Cabinet Member for Housing and Planning will agree any further minor changes prior to submission to full Council on the 26th June 2019, for approval of the scheme.
5. Subject to the above, the scheme will be implemented as soon as operationally possible.

Summary

6. At its meeting on the 31st January 2018, Council agreed the current Housing Allocation Scheme. Following implementation of the scheme in April 2018 it has been necessary to recommend revisions to the scheme to ensure it meets current legislative requirements and best practice.
7. This report sets out the areas of the scheme that require revision
 - Changes to Applicants who do not qualify to be on the housing register
 - Homeless Main Duty Applicants – special rules
 - Direct Allocations
 - Allocation of Extra Care vacancies

These are highlighted in yellow in the Allocation Scheme at Appendix 1.

8. In addition, a number of minor textual amendments have been made to some paragraphs to clarify, but not change, the meaning. These are made to provide clarity and ensure consistency with any legislative changes and are highlighted in green in the Allocation Scheme at Appendix 1.

9. A summary of the proposed revisions will be sent to key partner organisations for their comments. A summary of these can be found at Appendix 2.

Recommendation

10. **The Scrutiny Committee is asked to:**
 - i. Comment on the proposed amendments prior to the scheme being issued to key partners for their comments;
 - ii. Agree to the Cabinet Member for Housing and Planning to agree any further minor changes following Scrutiny and consultation with partners prior to submission to full Council on the 26th June 2019 for approval.

Background

11. Local authorities may allocate affordable homes only in accordance with their adopted Housing Allocation Scheme, (Section 169 Housing Act 1996)
12. A review of the Scheme provides an opportunity to make amendments, the need for which have come to light during the last 12 months of operation.
13. The draft revised Allocation Scheme can be found at Appendix 1. Proposed changes to the Scheme are highlighted in that document and are explained in detail in this report.
14. Should the Scheme be approved by Council on 26th June 2019, the new scheme will take immediate effect as soon as operationally possible. This is because the Council relies on Clarion to run the Council Housing Register and they have indicated that a lead time will be required.

Changes to applicants who do not qualify to be on the housing register (paragraph 11 / page 9)

Clarion Tenants

15. As a result of a decision taken by Clarion to manage all transfers for their tenants, Clarion tenants are currently disqualified from the Council's housing register.
16. Up until 2014, following the Council's Large Scale Voluntary Transfer of its housing stock in 1990 to Mid Sussex Housing Association, now Clarion Housing the Council had enjoyed 100% nominations to vacancies in Clarion's stock. This had been acceptable to Clarion because a joint allocation scheme was in place. However, in 2014 Clarion took the decision to revert to the legal position which allows only 75% of their vacancies or relets to applicants on the housing register. The Council had no legal mechanism to prevent this, despite taking advice.
17. Clarion recognises the negative impact their previous decision is having on their tenants in the district who wish to transfer because they are restricted to just 25% of Clarion's relets. Clarion has requested that the Council amend the Allocation Policy to enable their tenants to join the Council's housing register.
18. It is this Council's view that the current position undermines the intention of the Common Housing Register which is to provide equal access to all the social housing in Mid Sussex for all residents in housing need, including those in social housing. As

the largest social housing landlord in the district, removal of their tenants from the Common Housing Register has resulted in less movement within the housing stock, less vacancies and less opportunity for all those on the Common Housing Register to access the housing they need.

19. Clarion have agreed that, if their tenants have access to the Common Housing Register, they will not utilise the 25% of their nominations except under specific exceptional circumstances and in consultation with the Council's Housing Services Business Unit Leader. Instead Clarion will use their 25% to assist the Council to meet its contribution to the West Sussex commitment to house refugees of the Syrian conflict, and to support initiatives to reduce and prevent homelessness or the wider social housing agenda. Based on current data this is only likely to be 2% of all Clarion vacancies. Therefore 23% of vacancies will be available to all applicants on the housing register.
20. Allowing Clarion tenants living in Mid Sussex to qualify to join the Council's housing register will benefit approximately 440 current transfer applicants on Clarion's HomeChoice register.
21. It is therefore proposed that Clarion tenants should no longer be disqualified from joining the Council's housing register.

Provision of false information

22. Currently, applicants who are found to have given false information or have withheld relevant information in connection with their application for housing are disqualified from joining the Council's housing register. The time period for disqualifications is currently unspecified. It is proposed to add a time limit of 5 years for disqualification in order to provide clarity. 4 applicants were disqualified in 2018 for this reason and 1 in 2017.

Homeless applicants where the Council has a duty to ensure they have accommodation available to them special rules (paragraph 44 / page 43 & paragraph 34 / page 33). Amendment proposed to reflect the requirements of the Homelessness Reduction Act 2017.

23. The Scheme currently places those to whom a housing duty under s.193 of the Housing Act 1996 is owed in band C, i.e. households with a statutory duty to whom we provide temporary accommodation.
24. It is proposed to give these applicants priority over some other applicants in this band. All applicants from Armed Forces personnel receive the highest priority within band C. This proposed change will place applicants to whom a duty under s.193 of the Housing Act 1996 is owed as the next highest priority. This is intended to improve these applicants' opportunities to make a successful bid to enable them to move out of temporary accommodation as soon as possible. This will also enable the Council to make more efficient use of temporary housing. Currently around 45 applicants a year could benefit from this amendment.
25. In addition, the Scheme currently allows applicants to whom the Council owes a housing duty under s.193, to bid for properties for 12 weeks from the date the main duty is accepted. Applicants can bid but also refuse any offers made as a result of a bid made, even if the offer is of suitable accommodation. It is proposed to remove the 12 week bidding period. This is because the homelessness legislation states that the main s.193 duty comes to an end where, 'the applicant, having been informed by

the authority of the possible consequences of refusal or acceptance and of the right to request a review of the suitability of the accommodation, refuses an offer of accommodation which the authority are satisfied is suitable for the applicant'.

26. It is accepted that due to the lack of available properties, it is uncommon for an offer to be made within 12 weeks of the main duty being accepted. However, this change will remove the ability for s.193 applicants to refuse suitable offers within that time period and remain in temporary accommodation provided by the Council unnecessarily. There are currently 45 applicants who would be affected by this amendment.

Direct Allocations – (paragraph 50 / page 46)

27. The Scheme currently allows Direct Allocations of homes to be made in prescribed circumstances. It is proposed to expand this to allow provision, in exceptional cases, for some homes to be allocated through Direct Allocation with the agreement of the housing association and the Council's Housing Needs Team Manager.
28. This change will allow those who are in exceptional housing need and require a particular type of property which rarely becomes available to be made a direct let. For example a homeless applicant in unsuitable temporary accommodation provided by the Council who needs adapted accommodation.
29. This change will benefit approximately 2 -3 applicants a year.

Extra Care Housing Allocations (paragraph 49.3.5 / page 46)

30. Extra Care Housing Schemes vacancies are currently allocated via a Multi -Agency Panel. A new approach is to be piloted which will enable direct lettings via WSCC Extra Care Co-Ordinator in partnership with the Extra Care Housing providers. This follows best practice and successful pilots elsewhere in the country.

Other Matters

Statutory Guidance issued in November 2018 – Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other types of Temporary Accommodation

31. The Secretary of State strongly encourages all Local Authorities to exempt from their residency requirements those who are living in a refuge or other form of safe temporary accommodation in their district having escaped domestic abuse in another local authority area. The updated statutory Homelessness Code of Guidance advises Local Authorities to extend the same level of support to those at risk of domestic abuse who have to leave their home in the area they have lived, from other areas as they do to their own residents.
32. Consideration has been given to whether there is a need to amend the current Scheme to reflect the above guidance. After careful consideration, it is felt that the current Scheme meets the guidance and therefore there is no requirement to amend the scheme.

Policy Context

33. 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 promotes choice is also an integral part of the Council's Housing and Homelessness Strategies.

Other Options Considered

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

Financial Implications

35. None save for the potential to reduce the Council's spend on temporary accommodation through the additional priority awarded to applicants to whom a housing duty under s.193 of the Housing Act 1996 is owed.

Risk Management Implications

36. 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

37. Changes to the Housing Allocation Scheme have been the subject to 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.
38. The implementation of the allocation scheme is regularly monitored, and this will enable the Council to keep the impact of all of these changes under review.

Other Material Implications

39. None

Background Papers

40. MSDC Housing Allocation Scheme.

Appendices

Appendix 1. Amended Housing Allocation Scheme with highlights

Appendix 2. Summary of proposed changes to the Housing Allocation Scheme for consultation

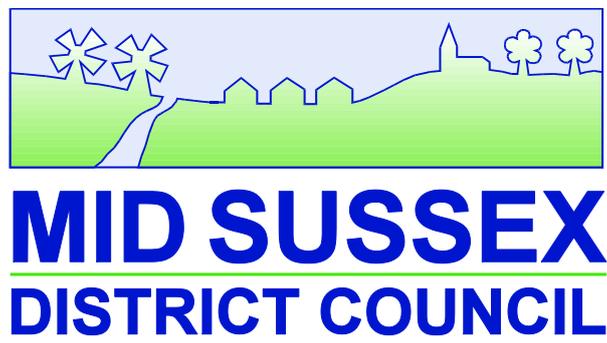
Appendix 3. Equality Impact Assessment

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Appendix 1

MID SUSSEX DISTRICT COUNCIL HOUSING ALLOCATION SCHEME

Choice-Based Lettings with effect from xxx2019



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 Clarion Housing, 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 and other affordable housing providers 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. In revising the Allocation Scheme, the council has taken into account:

- 1996 Housing Act (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017)
- Localism Act 2011
- Regulations and guidance issued by government relating to allocations.

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, 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 and 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 **insert date here** 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 **11.3** 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. **With some exceptions**, 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 **49-50** 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 **36-47**)
- The letting process (see **48**)
- Direct allocation of some homes (see **49-50**)
- Other housing options available to applicants (see **51**)

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 Housing	Raglan Housing Association
Clarion Housing (subject to member approval)	Raven Housing Trust
East Grinstead Housing Society	Saxon Weald Housing Association
Eldon Housing Association	Shaftesbury Housing Association
English Rural Housing Association	Southdown Housing Association
Hanover Housing Association	Southern Housing Group
Hastoe Housing Association	Stonewater
Home Group	Sussex Housing & Care
Hyde	Sussex Oakleaf Housing Association
London & Quadrant Housing Trust	The Guinness Trust
Moat Housing Group	The Little Black Bag Housing Association
Peabody Housing Association	Franklands Village HA (associate member)

2.4 The Council's Common Housing Register is administered under contract by the Homemove Team at Clarion 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
Clarion Housing
Upton House
7 Perrymount Road
Haywards Heath
RH16 3TN**

Tel: 0300 100 0303

Email: mid.sussexhomemove@clarionhg.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 **Existing social housing tenants currently living within Mid Sussex who wish to apply for a transfer** may also join the register (see **28** 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 **on a permanent basis.**
- 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 Clarion Housing.

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 on the internet. 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 (as amended) and the Homelessness Reduction Act 2017);
 - (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 (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 **11.3** 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 **11.6** in writing and with full reasons.

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

- 10.1 Eligibility for social housing depends on the applicant's nationality, immigration status and whether they have recently lived abroad. A person is ineligible and may not be allocated accommodation under Part VI of the Housing Act 1996 who is subject to immigration control unless that person falls within an exemption specified by the Secretary of State.
- 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.

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 have been registered for at least 12 months who have not 'bid' on a home in the preceding 12 months (see **11.3**)
 - c) Applicants whose annual household gross income exceeds £60,000 (see **11.4**)
 - d) Applicants who own accommodation; have a legal interest in homeownership; or have the financial resources to own accommodation (see **11.5**)
 - e) Applicants whose unacceptable behaviour is serious enough to make them unsuitable to be a tenant. (see **11.6**)
 - f) Applicants who are found to have given false information or have withheld relevant information in connection with their application for housing (see **11.7**).

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 **continuously** 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 **continuously** 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.

Extra care vacancies will be prioritised to applicants who are eligible for a WSCC care package. If there are no applicants who meet this criteria then applicants who are self-funding or are funded by other local authorities will also be prioritised according to their care and housing need.

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 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.

11.4 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.

11.5 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. Valuation evidence of any capital or assets will be required. However, any lump sum received by a member of the Armed Forces as compensation for an injury or disability on active service is disregarded.

11.5.1 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 **11.5** 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.

11.5.2 **Other exemptions from disqualification**

Other Applicants who do not qualify under the criteria set out above at **11.5** 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.

11.6 **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 a period of 5 years has passed** it will be for the Applicant to show that their circumstances or behaviour have changed.

11.7 **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 **or a member of their household** 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. **The period of disqualification is 5 years.**

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 **online** application form 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 Clarion Housing Housing, for assistance. **In exceptional circumstances**, a paper form can be obtained from the Homemove Team.
- 12.3 All correspondence in connection with a housing application should be **uploaded with your application via the customer portal**, or sent to the **Homemove Team, Clarion Housing, Upton House, 7 Perrymount Road, Haywards Heath, RH16 3TN** or emailed to mid.sussexhomemove@clarionhg.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 date and which Band they have been placed in, along with the right to request a Review of the decision. Information regarding your Housing Register application can also be accessed via the customer portal at **insert address when have it**
- 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. **This can be done via the customer portal, or if this is not possible by post or e mail.** 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 11.7 above) for a period of 5 years.

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 **General Data Protection Regulations 2018**

We will ensure your information is stored lawfully and we are fair and transparent in the way it is processed. We will only collect data that is specific, explicit and legitimate for the purpose of your housing register application and data will be kept up to date and not held unnecessarily or without appropriate security measures in place. Your information will only be shared with other organisations or individuals in order to legitimately progress your housing register application, for the prevention of fraud or with your explicit consent.

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 **36-46** 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.

If an Applicant moves up a Band as a result of being ready to move on from supported housing, they will retain the Priority Date they had when they were in Band D (see 23.2 below).

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/housing element of Universal Credit 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/housing element of Universal Credit 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(a)**) 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

John and Mary 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

Krishnan and Meera 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

Peter and Cathy have three boys aged 11, 8 and 6. Peter'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 Peter'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 condition that is directly affected by their current housing circumstances and which is likely to be relieved by rehousing. Medical Priority will not be awarded just because the Applicant or a member of their household has a significant medical condition. The property in which they are currently living must be exacerbating the medical condition.
- 19.4 **Medical Priority** is awarded as follows to reflect the urgency of rehousing:-
- 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.
 - 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.
 - 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.
 - 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 OR A MEMBER OF THEIR HOUSEHOLD

- 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, or any other relevant medical evidence that confirms the household's mobility issues 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). The specialised package of support must be in place or a commitment that it will be in place will be needed before priority will be awarded.
- 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 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.
- 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

In order to make better use of the housing stock priority is given to bids from Transfer Applicants in certain circumstances. These are detailed in 'How we Prioritise Bids' section of this scheme at **36** 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 **49**) 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 is 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 **49**) 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. Available properties are advertised online for eligible applicants to bid on, the frequency and cycle dates are published online. Successful applicants will be contacted as soon as possible by the landlord.

29.2 Only Applicants who are registered on the Mid Sussex Common Housing Register can bid for Mid Sussex Homes, unless the Homemove Team decides to make hard-to-let homes available for other applicants from within the Sussex Homemove Partnership.

29.3 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 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 or their deputy.

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.

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. Contact the Homemove Team if you require more information.
- 31.2 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.
- 31.3 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 **11.3**).

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 that have been let will be listed on the Homemove website 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 With certain exceptions (see below) we will not normally penalise Applicants who, having successfully bid for a home, subsequently refuse an offer of accommodation.

- 34.2 Where an Applicant has been placed in either:
Band C (a) because they are owed the full housing duty under the homelessness legislation by Mid Sussex District Council or:
Band B (e) because they are owed the full housing 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
Such applicants are not entitled to any time in which to freely bid. They will be required to accept the first suitable offer of accommodation, regardless of whether the offer resulted from a bid they made or a direct/auto bid.

34.2 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 (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)).

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

- 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.

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

34.5 **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.

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 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.
- (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 MAPPA case** - Applicants who pose a potential risk to the public as assessed by the Multi-Agency Public Protection Assessment Panel (MAPPA) 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 **37–46** 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 **49.3** 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. However many housing associations may refuse nominations from applicants with a poor history of rent payments or debt in line with their individual lettings policies.
- 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 **11.6** 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 unless the property is precluded from the Council's prioritisation of local people because of Homes England's policies and procedures in relation to Help to Buy units.

39.2 How Priority is given to local people

When allocating the first letting 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 – 44** 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 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 **29.3(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 . HOMELESS HOUSEHOLDS OWED THE MAIN HOUSING DUTY – special rules

44.1 Bids from Homeless Applicants who are owed the main housing duty by the Council under s.193 of the Housing Act 1996 (Band C (a)) will be given priority over bids from other Applicants in their Band.

44.2 However, the additional priority given to bids from Homeless Households owed the main duty by the Council 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)

- **43 (Armed Forces Personnel)**

45. THE RIGHT TO MOVE – special rules

45.1 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**.

45.2 **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.

46. 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).

47. 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

48. THE LETTING PROCESS

- 48.1 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.
- 48.2 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.
- 48.3 Applicants will be required to bring proof of identity e.g. driving licence or passport to the viewing.
- 48.4 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.
- 48.5 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.
- 48.6 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. The housing association will confirm the refusal and the reasons to the Applicant in writing.
- 48.7 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

49. DIRECT ALLOCATION OF SOME HOMES

49.1 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:

49.2 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).

49.3 Supported housing is allocated by a Multi-Agency Panel

49.3.1 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.

49.3.2 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.

49.3.3 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.

49.3.4 **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.

49.3.5 Extra Care Housing Schemes vacancies are currently allocated by a Multi Agency Panel. A new approach is to be piloted which will enable direct lettings via a process where an Extra Care Co-Ordinator employed by WSCC will enable the Allocation of Extra Care vacancies in partnership with the Extra Care Housing providers to best meet the housing and care needs of frail older people.

49.4 Temporary accommodation

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

49.5 Temporary and Permanent Decants of housing association tenants

Some homes may be allocated through Direct Allocation in order to affect 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.

50. Exceptional circumstances

50.1 In exceptional cases, with the agreement of the housing association and the Council's Housing Need Team Manager, some homes may be allocated through Direct Allocation. Example of exceptional circumstances include a homeless applicant in temporary accommodation provided by the Council who needs adapted accommodation.

Other housing options available to applicants

51. ALTERNATIVES TO SOCIAL RENTED HOUSING

51.1 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:

51.2 Renting Privately

Renting privately is a good option to consider and offers several advantages over waiting a long time for social housing. Help with housing costs is available in the form of either Housing Benefit or Universal Credit. Tenants may be entitled to receive Housing Benefit or the housing cost element of Universal Credit 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.

51.3 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 (unless the property is exempt from the Council's local connection criteria in accordance with the rules and procedures issued by Homes England in relation to Right to Buy units). 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, (unless the property is exempt from the Council's local connection criteria in accordance with the rules and procedures issued by Homes England in relation to Help to Buy units), as set out in detail at 39 above.

51.4 Build to Rent Schemes

Built to Rent (BTR) is a distinct product within the private rented sector that may also include affordable housing in the form of Affordable Private Rent. The affordable units will be managed by a BTR landlord and not necessarily by a housing association. BTR schemes in Mid Sussex will have Affordable Private Rents that are capped at the maximum amount of Local Housing Allowance applicable for the size of the relevant dwelling. Tenants will be offered tenancy agreements of at least 3 years, providing security and stability to those who need or want it.

Applicants on the Common Housing Register may be contacted by the Homemove Team to advise them of forthcoming BTR properties that they may be considered eligible for. The application process is under development but the principles of this Allocation Scheme will generally apply, including those applicants to whom (35.2) is applicable and where the council considers that the offer of accommodation is suitable to fully discharge the full housing duty by a 'private rented sector offer' (s193 (7AA)-(7AC) Housing Act 1996 as amended by s.148 (5)-(7) Localism Act 2011).

51.5 **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.

Appendix 2

MID SUSSEX DISTRICT COUNCIL Housing Allocation Scheme Review

Proposed amendments for consultation with housing providers and other partner organisations

Subject to consultation and Member approval, we are proposing to introduce a revised Housing Allocation Scheme to cover Council nominations to affordable housing providers from as soon as operationally possible after 26th June 2019. The proposed amendments, some of which will significantly affect a large number of existing housing applicants, are set out below. The proposed new scheme is attached and the changes are highlighted in yellow.

Please send comments to Samantha.Horne@midsussex.gov.uk by 8th April 2019

Proposed amendment	No of applicants affected	Reason for change/aim of proposal
1. In future, Clarion tenants living in Mid Sussex, will be eligible to join the Council's Housing Register.	441 Clarion tenants currently registered on Clarion's HomeChoice register within Mid Sussex.	To ensure that fair access to all social housing in Mid Sussex is maintained for all those who are in housing need.
2. Bids from homeless applicants where the Council has a duty to ensure they have accommodation available to them under s.193 of the Housing Act 1996, (subject to some exceptions) will be given priority over bids from other Applicants in their Band.	Currently around 45 a year	This will provide such applicants with more opportunity to make a successful bid and to enable them to move on from temporary accommodation more quickly which will allow the Council to make more effective use of temporary accommodation.

Proposed amendment	No of applicants affected	Reason for change/aim of proposal
<p>3. Homeless applicants owed the main housing duty by MSDC under s.193 of the Housing Act 1996, will no longer be entitled to 12 weeks free bidding. They will be required to accept the first suitable offer.</p>	<p>Currently around 45 a year</p>	<p>Currently such applicants are allowed to refuse offers made as a result of successful bids in the first 12 weeks from the main housing duty being accepted under s.193 of the Housing Act. This is the case, even if the offer is suitable. This does not support the Council's duty under the Homelessness Reduction Act which provides that the s.193 duty comes to an end where a suitable offer is refused. In addition, this change will increase the opportunity of such applicants moving out of temporary accommodation as soon as possible.</p>
<p>4. It is proposed to add a time limit of 5 years for disqualification from joining the housing register for giving false information or withholding relevant information.</p>	<p>4 in 2018 1 in 2017</p>	<p>Currently the time limit for disqualification is unspecified. It is proposed to add a time limit of 5 years in order to provide clarity.</p>
<p>5. Extra Care Housing Schemes vacancies are currently allocated by a Multi Agency Panel. A new approach is to be piloted. This will allow direct lettings via a process where an Extra Care Co-Ordinator employed by WSCC will enable the Allocation of Extra Care vacancies in partnership with the Extra Care Housing providers to best meet the housing and care needs of frail older people.</p>	<p>Approximately 16 a year</p>	<p>The Extra Care Panel does not support timely and efficient allocations. The model to be piloted operates successfully in the south of the county and meets the needs of frail older people in housing need more effectively and efficiently.</p>
<p>6. Allow in exceptional cases, with the agreement of the housing association and the Council's Housing Needs Team Manager, some homes to be allocated through Direct Allocation</p>	<p>Approximately 2 – 3 a year</p>	<p>This will allow those who are in exceptional housing need and require a particular type of property which rarely becomes available to be made a direct allocation. For example, a homeless applicant in unsuitable temporary accommodation provided by the Council who needs adapted accommodation.</p>

Please send comments to Samantha.Horne@midsussex.gov.uk by 8th April 2019

Appendix 3

MID SUSSEX DISTRICT COUNCIL Equality Impact Assessment

Title of Policy/Service/Contract: Revisions to the Council's Housing Allocation Scheme

Division: Assistant Chief Executive

Lead Officer: Emma Shuttleworth, Business Unit Leader Housing Services

Date Assessment completed: 21st February 2019

1. SCOPING

1.1 Aims of the service:

The Council's Housing Allocation Scheme seeks to provide a fair and transparent way of allocating affordable housing to those in housing need who are on the Mid Sussex Common Housing Register through a process of Choice-Based Lettings.

A revised Housing Allocation Scheme was adopted with effect from 1st April 2018. Changes to the scheme are designed to address issues that have come up over the last 12 months. The changes are also made in order to comply with the requirements of the Homelessness Reduction Act, other national guidance and case law.

The main changes are as follows:

1. In future, Clarion tenants living in Mid Sussex, will be eligible to join the Council's Housing Register. This is intended to ensure that fair access to all social housing in Mid Sussex is maintained for all those who are in housing need.
2. Bids from homeless applicants where the Council has a duty to ensure they have accommodation available to them under s.193 of the Housing Act 1996, (subject to some exceptions) will be given priority over bids from other Applicants in their Band. This will provide such applicants with more opportunity to make a successful bid and to enable them to move on from temporary accommodation more quickly which will allow the Council to make more effective use of temporary accommodation.
3. Homeless applicants owed the main housing duty by MSDC under s.193 of the Housing Act 1996, will no longer be entitled to 12 weeks free bidding. They will be required to accept the first suitable offer. This will increase the opportunity of such applicants moving out of temporary accommodations as soon as possible.
4. It is proposed to add a time limit of 5 years for disqualification from joining the housing register for giving false information or withholding relevant information. This will provide greater clarity as the current time limit for disqualification is unspecified.
5. Extra Care Housing Schemes vacancies are currently allocated by a Multi-Agency Panel. A new approach is to be piloted. This will allow direct lettings via a process where an Extra Care Co-Ordinator employed by West Sussex County Council will enable the allocation of Extra Care vacancies in partnership with the Extra Care Housing providers to best meet the housing and care needs of frail older people.
6. Allow in exceptional cases, with the agreement of the housing association and the Council's Housing Needs Team Manager, some homes to be allocated through Direct Allocation. This will allow those who are in exceptional housing need and require a particular type of property which rarely becomes available to be made a direct allocation.

The revised scheme will be considered by the Scrutiny Committee for Community, Housing and Planning on 6th March and Full Council on 26th June 2019.

1.2 Who the service affects and the main customers (internal or external)

The people affected by the proposed changes are those in housing need who are currently on the Council's Housing Register, those who may seek to join it in the future and those on Clarion's HomeChoice Register. People affected are likely to be on low to modest incomes and disproportionately will be people who are vulnerable and have housing related support needs and will include homeless households.

Revisions to the schemes will have implications for Registered Providers that rely on the Council to provide nominations to their vacant tenancies and for organisations that provide supported housing, or who provide housing related support and/or housing advice to vulnerable people in housing need. Revisions will also affect those who are on Clarion's Housing Register.

1.3 What equality information is available, including any evidence from engagement and analysis of use of services?

The Register contains information about each applicant's ethnicity, gender, age, income, need for adapted accommodation and whether they have a support need. We are able to analyse bidding patterns by age and other vulnerability and to identify those who will be affected by the proposed changes to the scheme.

1.4 What does the information tell us about the equality issues associated with the service and implications for the protected groups?

An analysis has previously been undertaken of lettings in relation to the characteristics of those on the Register. This shows that lettings in relation to ethnicity are broadly consistent with the composition of those on the Register. Detailed information including factors such as disability and age are included in section 2.3.

1.5 Are contractors or partnerships used to deliver the service?

The Council is a member of the Sussex Homemove Scheme, which is a partnership of authorities in East and West Sussex that operates Choice-Based Letting. Administration of the Common Housing Register is contracted to Clarion and provided by their Homemove Team. The changes to the allocation scheme do not have any direct procurement implications.

2. ASSESSMENT OF IMPACT: ANALYSIS AND ACTION PLANNING

2.1 Current measures taken by the service to address issues of the protected groups

In assessing issues associated with the protected groups, people on the Housing Register are likely to be on low incomes and may be vulnerable. Around 20.7% of those on the Register, (1437 in total at February 2019) approximately 298 people are flagged as being vulnerable. The 298 vulnerable applicants broken down by vulnerability type are as follows:

- 31.8% mental health problems
- 21.8% older people
- 31.8% physical disabilities
- 10.4% learning difficulties
- 10% domestic violence

- 3% drug or alcohol problems
- 3.3% ex-offenders

The protected groups and other characteristics most affected by the proposed changes are:

- Disability
- Age

Current measures to provide for these groups include:

- Assisted bidding, where bids for properties are made on behalf of vulnerable applicants by the Clarion Homemove Team and Council Housing Needs Team.
- The existing allocation scheme and Choice-Based lettings process is designed to match suitably designed and adapted properties with people with mobility problems.
- Supported housing is allocated by multi-agency panels to ensure that vulnerable people are supported in finding accommodation that is right for them.

For the following remaining protected groups, no specific issues have been identified from the proposed changes to the Allocation Scheme:

- Ethnicity
- Low income or skill level
- Living in rural areas.
- The needs of faith groups and faith issues
- The needs of men and women
- The needs of gay men, lesbians, bisexual and heterosexual people
- The needs of transgender people
- Issues arising from pregnancy and maternity
- Issues arising from marriage and civil partnership.

2.2 Consultation on the proposed changes

The proposed changes to the allocation scheme will be subject to consultation with the Council's Registered Provider partners of the Common Housing Register. Also with supported housing providers and those organisations which provide advice to those in housing need.

2.3 Issues arising from the proposed changes to the Allocation Scheme and how they are to be addressed

The proposed changes that may have a differential impact on the protected groups are those relating to:

- Amendment 5: new arrangements for the allocation of Extra Care vacancies.
- Amendment 6: Direct allocations of some types of property.

Amendment 5 :new arrangements for the allocation of extra care vacancies

Extra Care Housing Schemes vacancies are currently allocated by a Multi-Agency Panel. The new approach to be piloted allows for direct lettings via an Extra Care Co-Ordinator employed by West Sussex County Council working in partnership Extra Care Housing providers. This will support more timely and efficient allocations of the vacant Extra Care properties and better meet the needs of frail older people in housing need.

This will be advantageous under the protected groups of age and disability and is expected to affect approximately 16 housing allocations to frail older people per year.

Amendment 6: Direct allocations of some types of property

This proposal will allow Direct Allocation to those who are in exceptional housing need and require a particular type of property which rarely becomes available. An example of those who will benefit from this proposal is a homeless applicant in unsuitable temporary accommodation provided by the Council who needs adapted accommodation.

This is expected to affect 2 to 3 applicants per year and in the example provided would be advantageous to the protected group of disability.

2.4 Action Plan

The Action Plan below is intended to demonstrate how the issues identified in this assessment are being addressed:

Action	Lead Officer	Timescale
Further review of the operation of the revised allocation scheme following a year of operation.	Emma Shuttleworth	April 2020

Date: 21.2.19

Emma Shuttleworth



Business Unit Leader for Housing Services

Date: 21.2.19

Judy Holmes



Assistant Chief Executive