



City of Westminster



Choice Based Lettings

**Housing Allocation Scheme
March 2020**

Contents

1.1.	The Legal Framework	3
1.2.	Eligibility	5
1.3.	Armed Forces Personnel - Qualification Criteria and Local Connection	5
1.4.	People who can be included on an application	6
1.5.	Registration	8
1.6.	Exclusions	8
1.7.	Risk Assessment, Information Sharing and Data Protection	10
2.	Choice Based Lettings	11
2.2.	Exceptions	12
2.2.1.	Direct offers	12
2.2.10.	Not offering a tenancy to the highest bidder	13
2.2.12.	Domestic Abuse	13
2.2.14.	Mobility	13
2.2.16.	Adaptations	13
2.2.18.	Tenant Management Organisations (TMO'S)	14
2.2.20.	Sensitive Lettings	14
2.3.	Area Preference	14
2.4.	Priority Groups and Lists	15
2.5.	Delayed Priority List	17
2.6.	Points	18
2.6.8.	Employment	18
2.6.18.	Residence in Westminster	20
2.6.25.	Additional Preference for Armed Forces Personnel	21
2.6.29.	Exceptions	21
2.7.	Mobility Criteria	25
2.8.	Bidding Process	27
2.9.	Anti-social behaviour at viewings	28
2.10.	Applicants not bidding	29
2.11.	Arrears	30
2.11.5.	Westminster Council Tenants	30
2.11.12.	Cash Incentive	31
2.11.14.	Decants	31
2.11.16.	Non-homeless private rented/RP tenants	31
2.11.18.	Homeless applicants living in Bed and Breakfast	31
2.11.21.	Homeless applicants living in self-contained accommodation	31
2.11.27.	All homeless applicants	31

2.11.29.	Housing Benefit	32
2.12.	Tenant Management Organisations	33
2.13.	Sensitive Lettings	34
3.	Tenant Transfer	35
3.1.	Council tenants applying for a transfer	35
3.2.	Main Applicant - Registration	35
3.3.	Household Members – Inclusion in Registration	35
3.4.	Household Members – Excluded from Registration	36
3.5.	Surrendering a Tenancy	38
4.	Under-Occupation	39
4.1.	Cash Incentive Scheme	39
4.2.	Payment Circumstances	39
4.3.	Property Size Restrictions	40
4.4.	Decants	41
4.5.	Other Restrictions	41
4.6.	Prioritisation	41
4.7.	Arrears	41
4.8.	Cash Incentive Grant Payments	42
4.9.	Conversions/Adaptations	43
4.10.	Additional priority for family and friends of under-occupying tenants moving via the Cash Incentive scheme	44
4.11.	Under-Occupation and Flexible Tenancies	44
5.	Pressing Housing Need	46
5.1.	Management Transfers	46
5.2.	Decants/Major Works	48
5.3.	Reciprocals	50
5.4.	Discretionary Succession/Assignment (for Secure Tenants)	52
5.4.8.	Offer	52
5.5.	Assignment (Discretionary Re-housing for Secure Tenancies)	53
5.6.	Discretionary Succession (for Flexible Tenancies)	54
5.7.	Discretionary Assignment (for Flexible Tenancies)	56
5.8.	Assignment By Way of a Court Order	57
5.9.	Social Services Nominations	58
5.10.	Community Care Nominations	58
5.11.	Learning Disability Quota	59
5.12.	Children Act	59
5.13.	Children Act Accommodation Panel	60

5.14.	Foster Carers	60
6.	Medical Priority	61
6.1.	People who need to move on Medical, Disability, Welfare or Hardship grounds	61
6.2.	Housing factors that may seriously, adversely affect a medical condition, welfare or disability;	62
6.2.1.	Dampness	62
6.2.3.	Overcrowding	62
6.2.5.	Unsuitable for Mobility Impairment	62
6.2.9.	Effect on Psychiatric Conditions	62
6.3.	Factors that may warrant allocation of an additional bedroom on health grounds, or accommodation with a larger bedroom, on health/space grounds.	63
6.3.3.	AIDS and HIV	63
6.3.5.	Re-housing with a Carer	63
6.3.7.	Hardship	63
6.4.	Reviews	63
6.5.	Range of Circumstances	64
7.	Overcrowding	65
7.1.	People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions	65
7.2.	Westminster Council Tenants (Overcrowding Transfer List)	65
7.3.	Adult Children of Overcrowded Council Tenants	66
7.4.	PCHA Tenants (in-fill properties on Lisson Green)	66
7.5.	Registered Provider Tenants	66
7.6.	Private Sector Tenants	67
7.7.	Homeless	67
8.	Homeless	68
8.1.	Households to whom Westminster City Council has accepted a statutory duty under the Housing Act 1996 as amended	68
9.	Studio and 1-Bedroom Accommodation	71
9.1.	Applicants eligible for a studio or 1-bedroom property	71
9.2.	Pathway for Qualifying Applicants	71
9.3.	Mental Health Supported Housing (MHS) Move-On Quota	72

9.4.	Hostel Move-On	72
9.5.	National Witness Mobility Scheme	72
9.6.	Multi Agency Public Protection Arrangements (MAPPA)	73
9.7.	Domestic Violence Quota	73
9.8.	Young People Leaving Care	73
9.9.	Tenants Moving from a Studio to a 1-Bedroom Property	73
9.10.	Veterans Nomination Quota	74
9.11.	Low Income Workers Quota	74
10.	Community Supportive Housing for Older People	76
10.1.	Housing for people over 60 years old	76
11.	Staff Re-housing for Residential Staff in Emolumental Accommodation	78
11.1.	Re-housing when employment ceases	78
11.2.	Re-housing when employment changes	79
11.3.	Offers of Accommodation	80
11.4.	Right to Buy	80
12.	Size of Accommodation Offered	81
12.1.	Westminster Council's Bedroom Standard	81
13.	Offers and Refusals of Offers	83
13.1.	Offers	83
13.2.	Refusals of Offers	83
14.	Information and Reviews	85
14.1.	Requesting Information and Reviews	85
15.	Part VII Accommodation	86
15.1.	Legislation	86
15.2.	Part VII Accommodation Placement Policy – Location	87
16.	Local Lettings Schemes	88
16.1.	Aims	88
16.2.	Principles	88
17.	Westminster Community Homes (WCH)	89
17.1.	Background	89

18.	Mobility Schemes	91
18.1.	London Mobility	91
18.2.	National Mobility & Exchange Schemes	91
18.3.	Right to Move Quota	91
19.	Key Workers	92
19.1.	Groups eligible for intermediate housing	92
	Appendix I Glossary of Terms	93
	Appendix II Choice Based Lettings	98
	Appendix III HHSRS (Crowding and Space Guidance)	103
	Appendix IV Housing Act 1985 (excerpt)	111
	Appendix V PRSO Policy for Homeless Households	113
	Appendix VI Accommodation Placement Policy for Homeless Households	115

Introduction

This is Westminster City Council's Housing Allocation Scheme, re-issued in March 2020.

The Scheme brings together the Council's policies on the allocation of housing for all those who have applied and are eligible for housing assistance under Part VI of the Housing Act 1996 as amended ('the Act'). It is intended that the Housing Allocation Scheme will be reviewed regularly, to incorporate policy changes, as well as to reflect any feedback on the content or format of the document.

Housing policy, including the allocation and assessment policies in this document, is made and amended by the Cabinet Member for Housing. Before making changes to the scheme, reflecting major policy changes, the Council will comply with s.166A(13) of the Act, which enables Registered Providers (Social Landlords) to have a reasonable opportunity to comment on proposals.

The Policy and Scrutiny Committee Panel considers housing policy development proposals with recommendations being submitted to the Cabinet Member for Housing. Therefore, for the most up to date position on policy this allocation scheme should be read in conjunction with the annual Supply and Allocation Reports.

Westminster City Council introduced Choice Based Lettings in September 2004 and this scheme sets out our policy on offering applicants a choice of housing accommodation.

The Scheme shows how the Council determines priorities between housing applicants. Westminster Community Homes (see also section 17) tenants will be treated in the same way as Council tenants except where the property is being used for temporary accommodation or intermediate rent.

The Council is faced with a substantial demand for and an insufficient supply of housing within its district. Implementation of the Scheme has to depend upon the availability of accommodation. The annual report reviews the supply and allocation of the Council's housing stock and the Registered Providers stock to which the Council has nomination rights.

Annual projections approved by the Cabinet Member for Housing will be contained within the annual report showing the housing expected to become available during the year and specifying its anticipated distribution during the year amongst identified priority groups. The

distribution projections may distinguish between those who have and do not have current Council tenancies in order to achieve the vacancy of those tenanted properties for their distribution under the Scheme. Some groups may have a pooled distribution projection.

The projections will be subject to review during each year depending upon the circumstances concerning availability of accommodation. From time to time those projections will be used to implement the scheme as approved by the Cabinet Member for Housing.

The Housing Solutions Service, which includes the allocation function, is provided by Places for People on behalf of the City Council.

Annual reports and Housing Committee (HC) reports are referred to in italics followed by the date of the decision and the name of the report. E.g., *HC 3rd April 2000 Housing Demand, and Access to Rented Accommodation and Home Ownership*.

A full glossary of terms is attached as an appendix.

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A copy of this document is available at:

<https://www.westminster.gov.uk/housing-strategies>

Allocation Scheme

1.1. The Legal Framework

- 1.1.1. Authorities are required by s.166A of the Act to publish an allocation scheme for determining priorities and defining the procedures to be followed in allocating housing. The Council may allocate housing in such manner as it considers appropriate, subject to specific provisions of Part VI of the Act.
- 1.1.2. In accordance with s.159 (4A) and (4B) of the Act the allocation scheme includes tenant transfers.
- 1.1.3. This scheme includes a statement of the Council's policy on offering qualifying priority applicants a choice of accommodation or, in certain circumstances, the opportunity to express preferences.
- 1.1.4. The scheme gives reasonable preference to classes of people as provided for within s.166A (3) to (8) of the Act.
- 1.1.5. This scheme reflects relevant case law (*Ahmed v Newham, House of Lords, March 2009*) which established that local authorities are not required to take into account composite needs.
- 1.1.6. This scheme has regard to the June 2012 Code of Guidance and reflects the new Regulations concerning Armed Forces personnel as set out under section 160ZA(8)(b) of the Housing Act 1996 (*the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (SI 2012/1869)*) and section 166A(7) of the Housing Act 1996 (*The Housing Act 1996 Additional Preference for Former Armed Forces Personnel) (England) Regulations 2012 (SI 2012/2989)*). See *the Supply and Allocation Report 12th June 2013*.
- 1.1.7. This scheme has regard to Westminster's Tenancy Policy. The Localism Act 2011 introduced a new Local Authority tenancy called flexible tenure from April 2012. Flexible tenancies are a form of secure tenancy but can be on fixed terms. The majority of new Council tenancies will be offered as flexible tenancies on fixed terms. The City Council has developed a Tenancy Policy setting out when flexible tenancies will be offered, how long they will be offered for and when they will be renewed. The Tenancy Policy (and Policy for Tenants in Housing Renewal Areas) should be read in conjunction with the Allocation Scheme. *Supply & Allocation Report 12th June 2013*.

- 1.1.8. From time to time the scheme refers to the existence of a discretion or general discretion. Except when otherwise provided, this refers to a discretion to be exercised by the Director of Housing or by a duly delegated person(s) and shall allow the person exercising the decision to take account of all circumstances considered appropriate and/or relevant by that person including (when considered appropriate and relevant) the demand for and supply of accommodation and the general housing circumstances within the City of Westminster.
- 1.1.9. The Director of Housing has discretion to give such additional preference as the Director considers appropriate to any applicant who, in the opinion of the Director, has pressing housing needs.

1.2. **Eligibility**

- 1.2.1. All applicants are eligible to apply for housing, except (1) people from abroad who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 unless prescribed as eligible by regulations of the Secretary of State, and (2) people from abroad who are not subject to immigration control within the meaning of the Asylum and Immigration Act 1996 if prescribed as ineligible by regulations of the Secretary of State (*Housing Act 1996 as amended*).
- 1.2.2. Further provisions concerning eligibility are set out with regard to allocations in s.160ZA of the Act.
- 1.2.3. Applicants must inform the Local Authority of any change in their circumstances which may impact on their eligibility for example changes in employment for EEA Nationals or leave to remain status. See also sections 8.1.11 and 2.1.2.
- 1.2.4. Section 3 of this scheme sets out the eligibility criteria in regards to Westminster Council tenants.
- 1.2.5. Council tenants wishing to move to a similar sized property and who do not fall into one of the priority groups listed in this scheme will not be registered. Households can apply to register for a move via a national mobility scheme such as Homeswapper (*Supply & Allocations Report 21st March 2011*).

1.3. **Armed Forces Personnel - Qualification Criteria and Local Connection**

- 1.3.1. The following applicants cannot be disqualified from applying for social housing on the grounds of no local connection;
 - a) members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
 - b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
 - c) serving or former members of the Reserves/Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result
- 1.3.2. In order to be allocated housing, the above applicants will be assessed to determine whether they come into a priority need group and if so, at the point of application applicants must;

- Have served in the Reserves or Armed Forces for a minimum of two years, **and**
- Left within the last five years, **and**
- If no longer serving, must not have been dishonourably discharged, **and**
- Have previously lived in Westminster for a minimum of three years prior to enlisting, or have immediate family (mother, father, brother, sister, son or daughter) currently living in Westminster and have done so for three continuous years.

1.3.3. In the case of a bereaved spouse/partner, applicants must have lived in Westminster for three years prior to the bereaved spouse/partner's enlistment date, or have immediate family currently living in the borough and have done so for three continuous years. *Supply and Allocation Report 12th June 2013.*

1.4. **People who can be included on an application**

1.4.1. The Applicant may only include on their application persons who normally reside with the Applicant as a member of the Applicant's family.

1.4.2. It is for the Council to decide whether a person is normally resident as a member of the family. The Director of Housing has discretion to allow additional people to be included on an application when the Director considers it is appropriate in all the circumstances. When exercising that discretion, the Director of Housing may take account of the demand for and supply of accommodation and the general housing circumstances within the City of Westminster.

1.4.3. In the case of children, the test of normal residence as a member of the family will require residence as opposed to 'staying' or 'staying access' even in cases of joint custody or joint residence or similar orders. The Council in applying the residence test will consider whether there is a sufficient degree of permanence or regularity to constitute normal residence as a member of the family. Account may be taken of whether the child is dependent upon the applicant. The Council may also take account of the supply and demand for accommodation, the general housing circumstances within the City of Westminster and any under-occupation that may result where a child spends part of a week with one parent and part of a week with another.

- 1.4.4. Carers will be included in the application when it has been agreed by the Council that the applicants require housing with a carer and the applicant has been included within a priority group on that basis.
- 1.4.5. Whenever an applicant or anyone within the household of the applicant has alternative accommodation available or capable of being available (for example when it would be but for it being rented out), the applicant will be given points based on the best accommodation available to the household.
- 1.4.6. Certain restrictions on who can be included on an application may apply. Whether this is applicable, full details are listed under the specific section pertaining to that re-housing group.

1.5. Registration

- 1.5.1. All applications will be assessed to determine whether the exclusions listed at section 1.6 apply and/or whether the applicant comes within a priority housing group.
- 1.5.2. There is no practical possibility of the Council having accommodation for allocation to those whom the Council has decided fall outside the priority groups.
- 1.5.3. As a result those within a priority group will be placed on the housing register. Those who do not qualify for a priority group will be informed in writing and their application will be closed.
- 1.5.4. Applicants whose applications do not succeed will be offered advice and information on other housing options available. Another application can be made in the event of a change of his/her circumstances or should the availability of housing accommodation alter. *Supply & Allocations Report 21st March 2011.*

1.6. Exclusions

- 1.6.1. Applicants whose circumstances are as follows will be excluded from the housing register subject to the discretion of the Director of Housing (these exclusions may not apply to homeless applicants as they do not over-ride the Council's duties under the Housing Act 1996 Part VII);

1	Under 18 years of age (This does not apply to young people living in a foster home or in residential care provided by Social and Community Services for whom re-housing under the Children Act has been agreed and who are within 6 months of their 18 th birthday).
2	Not been continually resident in Westminster for three years at the date of application (this does not apply to people detained in an institution or hospital or in the armed services or serving a custodial sentence outside Westminster, but who lived continuously in Westminster for at least three years prior to entering institution/services/custody or applicants applying to move to Westminster through the Housingmoves Scheme (see also section 10)). <i>Supply & Allocation Report 12th June 2013.</i> Applicants with less than three years' residence in Westminster can provide relevant information/evidence in order that their housing need can be determined and inclusion on the housing register will be at the Director's Discretion.
3	Not currently living permanently in the UK.

4	Who jointly or singly own or part own or are purchasing a property (including purchases on shared ownership).
5	Whose household's total gross income from all sources exceeds the threshold for the higher rate for taxable income tax (currently calculated as taxable income of £37,501) or whose household's total savings and capital assets exceeds £69,527. Applicants whose household has capital assets of up to £69,527 will be assumed to accrue a pro-rata income of £5 per annum for each £100 of asset. This assumed sum will be added to other income (<i>Supply and Allocation of Social Housing and Low Cost Home Ownership 13th March 2006</i>). Any compensation awarded to members of the Armed Services for injuries sustained while serving will be discounted. <i>Supply & Allocation Report 12th June 2013</i> .
6	Tenants (of any landlord) with rent or other arrears. <i>Mid Year review of the Supply and Allocation of Social Housing and Low Cost home Ownership 9th December 2002 (section 1)</i> .
7	Accommodated in Westminster by another local authority that retains the responsibility for re-housing whether under s193, Housing Act 1996 or any other duty by which the other local authority retains responsibility for their accommodation.
8	Has within the last five years moved out of or sold or otherwise disposed of a property where it would have been possible and reasonable to remain or who has refused a suitable offer of accommodation from the Council (unless there has been a significant change in circumstances).
9	Has moved within the last five years into accommodation that is unaffordable and/or unsuitable.
10	Has moved into the current home and caused the household to be statutorily overcrowded or to contain a Band A Hazard assessed under the Housing Health and Safety Rating System (see Appendices V and VI).
11	In the last five years has applied to a local authority for assistance under the Housing Act 1996 and been found intentionally homeless.
12	In the last five years has applied to Westminster City Council or another local authority for assistance under Part 7 of the Housing Act 1996 in order to create or increase priority under Part 6.
13	The applicant or a person in his or her household has been guilty of unacceptable behaviour serious enough to make a person unsuitable to be a tenant. This includes a household in which a person has been prosecuted and found guilty of anti-social behaviour including for example theft, public disorder offences etc.

1.7. Risk Assessment, Information Sharing and Data Protection

- 1.7.1. The flow of relevant and timely information about housing applicants and tenants is an essential tool in creating and sustaining strong tenancies. Good information enables support needs to be identified and met, and means housing providers are equipped with the necessary facts to manage tenancies effectively and safely. Especially where vulnerable households are concerned, good information exchange can help ensure that the right support is put in place, thus reducing the likelihood of 'revolving door' repeat homelessness.
- 1.7.2. This is particularly important when there are risk issues and failure to obtain and/or share information could result in harm to the individual themselves, to staff or to the wider public.
- 1.7.3. The Council will seek to identify and assess any housing support needs, risk or tenancy sustainment issues as part of the housing application process. See section 2.2 for details of how this information may be used.
- 1.7.4. This information may be shared on a 'need to know' basis with relevant third parties, such as Registered Providers or other housing providers.
- 1.7.5. The Council is signed up to various local information sharing protocols with other Council departments and agencies working in the City.
- 1.7.6. Data Protection is a matter for all staff. When handling personal data, the Council will comply with the eight principles of good practice set out in the Data Protection Act.
- 1.7.7. No information will be provided to other members of the public without the consent of the applicant.

2. Choice Based Lettings

- 2.1.1. Subject to exceptions, Council owned and Registered Provider properties to which the Council has nomination rights are let through the Home Connections Choice Based Lettings scheme. The Council advertises the properties identifying the Priority Groups eligible to bid. Those who are on the priority housing group register and who come within Priority Group(s) identified in the advertisement may bid for the accommodation they are interested in and eligible for. Details of the advertising and bidding process are set out below, but generally and in summary, the bidder with the highest priority is offered the property, provided it is suitable for that applicant taking into account amongst other matters size and mobility criteria. There are exceptions to this (see section 2.2).
- 2.1.2. Applicants may be suspended from Choice Based Lettings (or being given a direct offer of accommodation) at any time if there is a change in their circumstances affecting their eligibility for social housing whilst this is being investigated. See also sections 1.2.3 and 8.1.11.

2.2. **Exceptions**

2.2.1. **Direct offers**

2.2.2. Some applicants may receive direct offers. The circumstances under which this may happen are described below;

2.2.3. Where the Council considers that it is inappropriate for the applicant to participate in Choice Based Lettings. For example, vulnerable applicants nominated by Social and Community Services where the Council will work closely with social workers and care managers to decide on the best letting method for these applicants. Other examples include cases where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA) or presents a risk to themselves or others.

2.2.4. The Council may make direct offers to applicants for the purpose of discharging a housing duty (noting that in addition section 13.2.3 may apply). This may include but the discretion is not limited to homeless households that have failed to bid or to regularly bid for properties and/or fail to view or refuse properties after bidding.

2.2.5. The Council may make direct offers to ensure best use is made of its housing stock for those prioritised according to their mobility category (see section 2.7 for a full definition of mobility categories). Properties for wheelchair users (identified as mobility category 1 and 2) will be excluded from Choice Based Lettings and will be the subject of direct offers to suitable applicants.

2.2.6. In all cases when direct offers are made, applicants will receive one direct offer only subject to the Council's discretion to make a further direct offer taking into account the demand for and supply of accommodation and the general housing circumstances within the City of Westminster.

2.2.7. For certain groups where we have a statutory duty to re-house the applicant into suitable accommodation or the applicant is under occupying a property in which they are not entitled to remain we will make direct offers of suitable accommodation.

2.2.8. Succession and Assignment cases, Management Transfers and Decants where we are making a discretionary offer of a unit smaller than that occupied by the applicant will be able to bid for three months. If they are unsuccessful in that period, they will be made one direct offer of suitable accommodation.

- 2.2.9. Homeless applicants who have sufficient points to be successful may be given a time limit for bidding for accommodation (see section 8.1.5). The time limit for bidding will be set depending on the supply of housing and the type, but will be between six weeks and six months. If the applicant does not bid successfully within this time, they may be made one direct offer of suitable housing. If they refuse the offer, the Council's duty to them can be discharged pursuant to statutory provisions. (*CMR 5th December 2007 Supply and Allocation 2007/08 Mid Year report*).
- 2.2.10. **Not offering a tenancy to the highest bidder**
- 2.2.11. There are a number of circumstances set out in the scheme where the Council will not offer the tenancy to the highest bidder. In any event the Council always has a general discretion not to offer the tenancy to the highest bidder taking account all the circumstances including (when considered appropriate) the demand for and supply of accommodation and the general housing circumstances within the City of Westminster. The discretion may be exercised, for example, where the Council decides that it would not be in the interest of the applicant, another party, or the good management of housing stock to do so. Other examples and circumstances where this may happen are listed below;
- 2.2.12. **Domestic Abuse**
- 2.2.13. Where there has been a history of domestic abuse and the property is too close to the current accommodation of the person responsible for that history.
- 2.2.14. **Mobility**
- 2.2.15. Where the applicant cannot access or adequately use the property due to mobility problems, in particular where their health and safety would be endangered. For this purpose, consideration will be given to adapting the property where this may be appropriate and the Council is the landlord, or the landlord (i.e. a Registered Provider) will agree to do so. However, there is no obligation under the terms of this Scheme for the Council to make adaptations (subject to any existing legal obligations binding upon the Council).
- 2.2.16. **Adaptations**
- 2.2.17. Where the applicant, whose accommodation (including Community Supportive Housing) is suitable for their needs, bids for and accepts a property which would need adaptation to meet their needs, they

may not be offered the property, for example where an applicant currently lives in a property with an adapted shower which they need and bids for a property without one.

2.2.18. Tenant Management Organisations (TMO'S)

2.2.19. Separate requirements apply in the case of TMO properties (see section 2.12).

2.2.20. Sensitive Lettings

2.2.21. A further example arises in respect of sensitive lettings (see section 2.13).

2.3. Area Preference

2.3.1. Under Choice Based Lettings, applicants, subject to the priorities identified previously, are able to bid for properties in whichever areas they choose.

2.3.2. In the case of direct offers, the Council will decide the location of the accommodation to be offered having taken into account suitability and needs. Preference will only be taken into account where the Council in its absolute discretion and taking account of the demand for and supply of accommodation and the general housing circumstances within the City of Westminster decides it is possible to do so.

2.4. Priority Groups and Lists

- 2.4.1. The Priority Groups are described in greater detail within the relevant sections of this scheme. The purpose of the Priority Groups is to give reasonable preference to those identified within section 167 of the Act and to assist certain other groups of applicants chosen by the Council. Applicants will be given points in accordance with an assessment of their respective needs and those with the same number of points will be re-housed in date order (the date will be the date an applicant became eligible for their specific Priority Group unless agreed otherwise).
- 2.4.2. Priority applicants will not be able to bid for another property via CBL or be given a direct offer of accommodation if, after their registration, their circumstances change and they are unable to provide current proof of residence in Westminster. Their application will be closed and they will be notified of this. Where contact details are unavailable applicants can request a copy of the letter from the Housing Solutions Service.
- 2.4.3. The Council allocates available properties amongst the Priority Groups in accordance with the projections contained in the annual report (subject to review) and subject to the size of accommodation required. The Council will monitor the outcome of all lettings during the year. If some Priority Groups are not getting the expected proportion of properties, the Council will seek to address any imbalance by, for example, advertising certain properties exclusively to certain Priority Groups.
- 2.4.4. Mobility requirements of applicants within Priority Groups are taken into account when matching properties. See section 2.7.
- 2.4.5. To make best use of the Council's supply of studio and 1-bedroom properties a Pathway model has been established for qualifying applicants (see section 9.2). Those applicants may be allocated a studio or 1-bedroom property once they have developed the independent living skills required to manage an independent tenancy (*Supply & Allocations Report 21st March 2011*).
- 2.4.6. Older applicants eligible for Community Supportive Housing bid for a specific type of housing and will not compete for the same properties as applicants in other Priority Groups.
- 2.4.7. Priority applicants will be registered on one list only (the most appropriate list according to their housing need) and will receive one

set of 'priority points' according to that priority group (as set out in section 2.6.33).

- 2.4.8. Full details of the projections are published in the annual 'Supply and Allocation of Social Housing and Low Cost Home Ownership' report to Cabinet Member for Housing.

2.5. **Delayed Priority List**

- 2.5.1. The Council may decide that certain applicants on the priority group housing register are not ready for their own Part VI accommodation, for example, those applicants currently undergoing a programme of resettlement support with social services or those in supported accommodation (e.g. Pathways applicants). These applicants will be registered on the Delayed Priority List. Such applicants will not be able to participate in Choice Based Lettings and will not receive direct offers of accommodation.
- 2.5.2. Applicants will be removed from the Delayed Priority list when the Council is of the opinion that they are ready to have their own Part VI accommodation. Inclusion on this list will be reviewed from time to time, at least every six months.
- 2.5.3. An applicant will retain their original registration date when they are moved to a Priority Group from the Delayed Priority List (unless stated otherwise in the scheme).
- 2.5.4. An applicant on the Delayed Priority List has the right to review against their inclusion on this list. That right can be exercised in writing at any time they are on the list but there is only one review unless in the opinion of the Council there is a significant change of circumstances. The appeal is to the Director of Housing.
- 2.5.5. In any case where an element of risk has been identified, the Council may place the applicant on the Delayed Priority List whilst a full (or other appropriate) risk assessment is carried out. During this period, the applicant will not be able to bid for properties via Choice Based Lettings. This will only be for the short period while investigations are ongoing.
- 2.5.6. In any case where the Council is aware that Police or auditors are investigating a matter that may affect the duty of the Council to house an applicant, the Council may place the applicant on the Delayed Priority List whilst the investigation is undertaken. During this period, the applicant will not be able to bid for properties via Choice Based Lettings.

2.6. Points

- 2.6.1. Applicants are placed into a Priority Group and given points according to their priority need. Applicants requiring family sized accommodation will receive points as set out in section 2.6.33 (table 1) and applicants requiring studio or 1-bedroom accommodation will receive points as set out in table 2 of section 2.6.33.
- 2.6.2. Applicants will be prioritised according to their points and, if equal, their eligible date unless the scheme provides otherwise.
- 2.6.3. The Council is not required to provide any preference where it has decided that the applicant or a person in his or her household has been guilty of unacceptable behaviour serious enough to make a person unsuitable to be a tenant (see section 1.6.1(13)).
- 2.6.4. Community Supportive Housing applicants subject to LHA caps will receive an additional 50 points. *Supply and Allocation Report 12th June 2013.*
- 2.6.5. Renewal Scheme Tenants will receive additional points (1-5) where they have a medium or high local connection. This is dependent on the criteria as set out in the 'Policy for Tenants in Renewal Areas'.
- 2.6.6. The scheme gives extra priority to applicants (as listed in table 1) who have lived in Westminster for ten continuous years and/or those who are in employment for a minimum of two continuous years. *Report to Cabinet Member 21st September 2011.*
- 2.6.7. The criteria for these additional points are set out below (there are exceptions);
- 2.6.8. **Employment**
- 2.6.9. Applicants identified in table 1 of section 2.6.33 will receive an additional 50 points if;
- The main applicant and/or partner is accepted by the Council as being in employment under a written contract of employment (permanent or temporary) which requires at least 16 hours work a week (which must take place in practice); and
 - Those with permanent contracts must have been in such employment for a minimum period of two years

- Applicants with temporary contracts must be able to demonstrate that they have been in employment continuously for two years, with no more than one month's gap between contracts
- The main applicant and/or partner must provide proof of Working Tax Credit (unless their income exceeds the eligible amount for this benefit) to receive employment points. *Supply and Allocation Report 12th June 2013 (section 5.5.2).*

Alternatively,

- The main applicant and/or partner must have been actively engaged with HELP (Homelessness Employment Learning Project) for a minimum period of the previous two years; engagement to be verified by the project.
- 2.6.10. The applicant and/or partner must provide proof of their employment status and only originals of official documents such as the contract of employment, payslips, bank statements showing the salary, P60/P45 or tax returns will be accepted. Letters on headed paper from the employer will not be considered acceptable proof.
- 2.6.11. The onus is on the applicant to advise the Council of any changes to their employment status. Offers of accommodation may be withdrawn if a change of circumstance has not been disclosed. Where there is a change in employment status the additional points will be removed 28 days from when employment ceased (unless alternative employment satisfying the requirements in the first and fourth bullet points in section 2.6.9 above is secured within this time). *Supply and Allocation of Social Housing 2016/17 Report dated 15th December 2016.*
- 2.6.12. Additional employment points apply to those who have been awarded the points but are on maternity leave from their employment. *Report to Cabinet Member 7th November 2017 (section 6.5).*
- 2.6.13. Additional points for employment will remain (unless found to be incorrectly awarded or 2.6.11 applies) until the applicant has been re-housed or their application is closed as long as there is a realistic prospect of re-employment, but would be re-assessed on any future application. Only one set of 50 employment points will be applied per application.
- 2.6.14. In circumstances where a main applicant and/or partner, referred to in section 2.6.9, leaves the household, the household application will

retain the additional points awarded under 2.6.9 providing that it meets the following conditions;

- The remaining partner must, within six months, be accepted by the Council as being in employment under a written contract of employment (permanent or temporary) which requires at least 16 hours of work a week (which must take place in practice); and
- The remaining partner will have to remain in employment subject to section 2.6.13.

Alternatively,

- The remaining partner must, within six months, actively engage with HELP (Homelessness Employment Learning Project), engagement to be verified by the project.

2.6.15. Employment points will be removed if the remaining partner is not actively engaged with HELP or does not gain employment within six months of the household member referred to in section 2.6.9 leaving the household.

2.6.16. Any household not in employment during their application will have their employment points removed if they do not meet the criteria. See S&A report dated 30th November 2016.

2.6.17. Armed Forces personnel will receive an additional ten points as set out in section 2.6.25. *Supply and Allocation Report 12th June 2013 (section 5.2).*

2.6.18. **Residence in Westminster**

2.6.19. In order to give recognition to applicants with a strong link to Westminster, an application will receive an additional 50 points when the main applicant and/or partner is accepted by the Council as having been resident in the City of Westminster for a continuous period of ten years immediately prior to date of application. Only one set of 50 residence points will be applied per application.

2.6.20. To be given the points, applicants registered on or after 1st November 2011 must provide proof of ten years continual residence in Westminster immediately prior to the date of application.

2.6.21. The onus is on the applicant and/or partner to provide proof of continuous residence and documents such as IND papers, birth

certificates, tenancy agreements and Council tax records will be considered acceptable proof. Doctor's letters and medical cards will not be considered sufficient proof.

- 2.6.22. Because it is accepted that it will be difficult to prove residence going back more than ten years, applicants registered before 1st November 2011 need only provide proof of ten years residence at this date i.e. continual residence from 1st November 2001.
- 2.6.23. For applicants registered before 1st November 2011 that have spent time (since 1st November 2001) in section 193 temporary accommodation provided by the City Council, whether in Westminster or outside the borough, this will be considered as 'residence in Westminster' and count towards the ten years.
- 2.6.24. Note, residence points were applied to applications from 30th January 2012.
- 2.6.25. **Additional Preference for Armed Forces Personnel**
- 2.6.26. An additional ten 'Armed Forces' points will be awarded to applicants in the following categories (see also section 1.3);
- a) Former members of the Armed Forces
 - b) Serving members of the Armed Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service
 - c) Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family accommodation following the death of their spouse or partner
 - d) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- 2.6.27. The additional ten points will apply to waiting list households as set out in section 2.6.33 (tables 1 and 2) and will be in addition to any employment points applicants may be eligible for.
- 2.6.28. As the new Regulations apply to new applicants accessing social housing, tenants who are already in social housing will not be eligible for the additional 'Armed Forces' points. *Supply & Allocations Report 12th June 2013.*
- 2.6.29. **Exceptions**
- 2.6.30. Cash Incentive applicants and those registered in the Pressing Housing Needs Priority Group will not receive additional points for

residence or employment. This is because of the extent of the priority already given.

- 2.6.31. Applicants accepted for a studio/1-bedroom property will not receive additional points for residence or employment. This is because of the extent of current supply of this type of accommodation (*Supply & Allocations Report 21st March 2011*).
- 2.6.32. Applicants nominated by their Registered Provider under the Overcrowding RP Quota will not be eligible for employment or residence points (see 7.5.2).
- 2.6.33. The scheme sets out priority points for applicants requiring family sized accommodation (table 1) and applicants requiring studio/1-bedroom accommodation (see table 2) as follows;

Tables 1 & 2 below are subject to the exceptions to be found within this scheme

Table 1 - Points for Family Sized Accommodation

				Additional Points					Points Deducted
Priority Group		Priority List	Priority Points	Workers	Residence	Stage 2 Lease End	Armed Forces	Local Connection Criteria On Renewal Estates	All Adult Household
Renewal Tenants		Returning Tenants	605	-	-	-	-	-	-
		Renewal Tenants (Permanent) with high local connection	600	-	-	-	-	4	-
		Renewal Tenants (Temporary) with high local connection	600	-	-	-	-	3	-
		Renewal Tenants (Permanent) with medium local connection	600	-	-	-	-	2	-
		Renewal Tenants (Temporary) with medium local connection	600	-	-	-	-	1	-
Under-occupation (including flexible tenancies)	Transfer List	Cash Incentive and under-occupying flexible tenants	550	-	-	-	-	-	-
Pressing Housing Need	Transfer List	Management Transfer, Decants/Major Works, Community Care Nominations and Children Act Panel	450	-	-	-	-	-	-
	Waiting List	Succession/Assignment, RP Decants, Discretionary Lessee Renewal Tenants, Reciprocal, Community Care Nominations and Children Act Panel	400	-	-	-	-	-	-
		Learning Disabilities	400	-	-	-	10	-	-
Medical (people who need to move on medical or welfare grounds including grounds relating to disability)	Transfer List	Category A Medical	250	50	50	-	-	-	-
	Waiting List	Category A Medical	200	50	50	-	10	-	-
Overcrowding (People occupying insanitary or overcrowded housing otherwise living in unsatisfactory housing conditions)	Waiting List	Registered Provider Quota	300	-	-	-	-	-	-
		HHSRS band A Hazard or Part X Housing Act 1985	250	50	50	-	10	-	-10
	Transfer List	HHSRS band A Hazard or Part X Housing Act 1985	300	50	50	-	-	-	-10
		Lacking 3 bedrooms	300	50	50	-	-	-	-10
		Lacking 2 bedrooms	200	50	50	-	-	-	-10
	Lacking 1 bedroom	100	50	50	-	-	-	-10	
Homeless (as defined in sub-paragraphs (a) and (b) of section 166A(3) of the Housing Act 1996)			150	50	50	200	10	-	-

Table 2 - Points for Studio and 1-Bedroom Accommodation

			Additional Points				
	Priority List	Priority Points	Stage 2 Lease End	Subject to LHA Cap	Armed Forces	Local Connection Criteria On Renewal Estates	High Priority Medical/Welfare Points
	Returning Tenants	605	-	-	-	-	-
	Renewal Tenants (Permanent) with high local connection	600	-	-	-	4	-
	Renewal Tenants (Temporary) with high local connection	600	-	-	-	3	-
	Renewal Tenants (Permanent) with medium local connection	600	-	-	-	2	-
	Renewal Tenants (Temporary) with medium local connection	600	-	-	-	1	-
	Under-occupying Flexible Tenants and Cash Incentives	550	-	-	-	-	-
	Decants/Major Works, Management Transfers	450	-	-	-	-	-
	Social Services Nominations (Tenants) including Community Care Nominations, Children Act Panel and Children Leaving Care	450	-	-	-	-	-
	Social Services Nominations (Waiting List) including Community Care Nominations, Children Act Panel and Children Leaving Care	400	-	-	-	-	-
	Learning Disabilities Quota	400	-	-	10	-	-
	RP Decant and Discretionary Lessee Renewal Tenants	400	-	-	-	-	-
	Reciprocals	400	-	-	-	-	-
	Succession/Assignment	400	-	-	-	-	-
	Medical (Transfers)	250	-	-	-	-	-
	Medical (Waiting List)	200	-	-	10	-	-
	Homeless	150	200	-	10	-	-
	Pathway Housings	150	-	-	10	-	-
	Tenants (Studio to 1-bed)	100	-	-	-	-	-
	Mental Health Hostel Move-On Quota	150	-	-	10	-	-
	Hostel Move-On/Street Homeless/Drug Alcohol Action Team (DAAT)	150	-	-	10	-	-
Community Supportive Housing	Cash Incentive	550	-	-	-	-	50
	Decants (Tenants)	450	-	-	-	-	50
	RP Decants and Discretionary Lessee Renewal Tenants	400	-	-	-	-	50
	Succession/Assignment	400	-	-	-	-	50
	Council Tenants	200	-	-	-	-	50
	Homeless	150	200	-	10	-	50
	Hostel Move-On	150	-	-	10	-	50
	Pathway Housings	150	-	-	10	-	50
	Waiting List Applicants	50	-	50	10	-	50
	Incoming Nominations	50	-	-	-	-	50

2.7. Mobility Criteria

2.7.1. All applicants (including household members) eligible to participate in Choice Based Lettings will be assessed to see what type of property matches their mobility and access requirements. All applicants and all properties will be given a Mobility Category.

2.7.2. Applicants eligible for Community Supportive Housing will be given mobility category 3 for this type of accommodation (unless they require a property suitable for a wheelchair).

2.7.3. **Mobility Category Applicants** (see S&A report 11th August 2015)

Category 1	Applicants who have been assessed by a NHS doctor as having a diagnosis which requires them permanently to use a wheelchair all the time
Category 2	Applicants who have been assessed by a NHS doctor as having a diagnosis which requires them permanently to need a home which is wheelchair accessible but may not need to use it inside the home
Category 3	Applicants with severe mobility problems who require a ground floor or lifted property with level access and no internal stairs
Category 4	All other applicants

2.7.4. **Property Mobility Category**

Category 1	Property is fully wheelchair accessible
Category 2	Property is suitable for a person who needs a wheelchair outside the home but can manage in the home without a wheelchair.
Category 3	Property with no more than 3 steps to access property and no internal stairs. May be lifted.
Category 4	All other properties

2.7.5. Property Mobility Category 1 and 2 properties will not be advertised. They will only be offered to Mobility Category 1 and 2 applicants.

2.7.6. Mobility Category 1 applicants will have priority over Mobility Category 2 applicants. However, all offers will be subject to the requirement that the accommodation is suitable for the person being made the offer. An offer will not be made if it is not.

2.7.7. Property Mobility Category 3 and 4 properties will be advertised. The property advertisement will identify which priority group may bid.

2.7.8. It is likely that Property Mobility Category 3 properties will be unsuitable for Mobility Category 1 and 2 applicants and that section

2.2.14 will apply. Subject to that, those in Mobility Category 1 will have priority over those in Mobility Category 2 and they will have priority over those in Mobility Category 3 who will have priority over those in Mobility Category 4.

- 2.7.9. When persons within the same Mobility Category bid for an advertised Mobility Category property, priority will depend upon who has the most points and, if equal, whose application is the earliest in time.

2.8. Bidding Process

- 2.8.1. Subject to section 2.7, applicants will be eligible to bid for properties available to their priority group list if, following assessment by the Housing Solutions Service (HOS):
- they are placed in one of the Priority Groups
 - they are not in arrears of rent/occupation charges (section 2.11)
 - they have not been excluded from bidding for any other reason
- 2.8.2. Applicants eligible to bid will be issued with a confidential PIN (Personal Identification Number) and User ID (Identification) number for expressing an interest in a property.
- 2.8.3. Properties that are available for letting through Choice Based Lettings will be advertised to eligible bidders on a weekly basis on the Home Connections website. It is the responsibility of each bidder to ensure they receive an information pack and to check the advertisements. Details of access to the website and to making bids are set out within the Choice Information Pack. See Appendix II.
- 2.8.4. Bidders will only be able to bid for properties of the correct size for their household or one bedroom smaller (two bedrooms smaller if they need five or more bedrooms) subject to ensuring they do not create an HHSRS Band A hazard or become statutorily overcrowded (see Appendix III HHSRS (Crowding and Space Guidance) and Appendix 1V Housing Act 1985 (excerpt)).
- 2.8.5. Bidders will not be allowed to bid for properties larger than they need, subject to the discretion of the Director of Housing (or duly delegated person). The discretion will only be exercised in exceptional cases, taking into account all the circumstances including the demand and supply for housing and the general housing circumstances within the City of Westminster.
- 2.8.6. The Council will normally shortlist the three highest priority bidders to view each property. Where bidders have the same priority with the same number of points so that more than three bidders would be shortlisted, those who are cash incentive applicants will be chosen to view first and otherwise those with the earliest registration date.
- 2.8.7. At the viewing, the bidders will be asked if they still want the property. Subject to exceptions set out in this scheme, the bidder with the highest priority and points will be invited to sign the tenancy agreement within a specified period.
- 2.8.8. If bidders are still equal;
- the bidder with the earliest registration date will be invited to sign the tenancy agreement; or if still equal

- the bidder in the priority group appearing first in the tables at 2.6.33 will be invited to sign

2.8.9. If there is still equality or in the event of a dispute, the Director of Housing has the ultimate discretion to decide whom an offer should be made.

2.8.10. If the bidder invited to sign a tenancy agreement has not signed by the end of the following working day or such other period that the Council decides in its discretion is reasonable, the property will normally be offered to the next highest bidder. This is subject to the discretion of the Director of Housing. A copy of the standard tenancy agreement , subject to amendment from time to time, should be read in advance of attending a viewing.

2.9. **Anti-social behaviour at viewings**

2.9.1. Any client in respect of whom the Council is satisfied that their behaviour during a viewing is anti-social may not be offered the property and may be suspended from bidding for a period of three months (*Supply & Allocations Report mid-year update November 2005, section 5.2*). This discretion is to be exercised by the Council taking into account the circumstances and nature of the anti-social behaviour and any previous such behaviour.

2.9.2. Applicants will be unable to bid if the Council is satisfied that;

- (a) the applicant or a member of his household has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the authority;

and

- (b) in the circumstances at the time the case is considered, the applicant deserves by reason of that behaviour not to be treated as a member of a Priority Group.

The behaviour which may be regarded as unacceptable is;

- (i) behaviour of the person concerned which would (if that person was a secure tenant of the Council) entitle the authority to a possession order under section 84 of the Housing Act 1985 (c 68) on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8); or
- (ii) behaviour of a member of the household which would (if that person was a person residing with a secure tenant of the Council) entitle the Council to such a possession order.

2.10. **Applicants not bidding**

- 2.10.1. Applicants may be in a Priority Group but choose not to bid for properties. Subject to specific provisions within the scheme concerning time limits, failures to bid and direct offers, the Council will review all applications where no bid has been placed in the previous quarter. Applicants will be contacted to make sure they understand how to bid and to ensure that they will be able to bid in future.

2.11. **Arrears**

- 2.11.1. Applicants with rent/service charge arrears or temporary accommodation charge arrears above the levels stated below will be suspended from and unable to participate in Choice Based Lettings. They will continue to be able to view property advertisements but will be unable to bid unless and until the arrears are cleared.
- 2.11.2. They will also be ineligible to be made direct offers of accommodation.
- 2.11.3. The Director of Housing may exercise discretion in exceptional circumstances to allow applicants with rent/service charge or temporary accommodation charge arrears to bid or to receive offers.
- 2.11.4. Where a household is to be re-housed into two or more separate homes, all members of the household will be prevented from bidding if the applicant household has arrears.
- 2.11.5. **Westminster Council Tenants**
- 2.11.6. Tenants with rent/service charge arrears will not be eligible to bid for properties. In practice rent arrears of up to one week's rent will not usually be taken into account. Ineligible applicants will be suspended until the week after the arrears are reduced below this amount.
- 2.11.7. Eligibility on grounds of arrears will be reviewed through the rent accounting system weekly on Mondays. The system will only take into account payments credited up until midnight on the Saturday before. Any payments received after Saturday will not be taken into account and suspension from bidding will not be lifted until the following Monday.
- 2.11.8. Because Direct Debit and Standing Order payments are received at different times of the month it will be necessary to monitor these cases in a different way. We will review these cases on a 5-week basis. If the rent account is more than 5 weeks in arrears this will mean that the monthly payment (rent or other charges) has not been received or there has been a shortfall in the amount paid. These cases will be suspended until the Monday after the missing direct payment has been received or the shortfall made good.
- 2.11.9. For applicants in receipt of Housing Benefit, the amount taken into account is the net weekly rent i.e. the amount payable weekly by the tenant.
- 2.11.10. Arrears due to unpaid housing benefit to which the applicant is entitled will be ignored for the purposes above where the applicant has provided all the information that he or she has been asked to provide to the Housing Benefit contractor.

- 2.11.11. Former tenant' arrears and arrears on non-residential properties will not be taken into account for this purpose.
- 2.11.12. **Cash Incentive**
- 2.11.13. Applicants on the Cash Incentive Scheme who have rent arrears may be allowed to bid at the discretion of the Estate Director but all outstanding debts to the Council will be deducted before any payment is made under the scheme.
- 2.11.14. **Decants**
- 2.11.15. Applicants who are in rent arrears and who need to move because the Council intends to demolish or carry out major works to their home may be allowed to bid at the discretion of the Estate Director.
- 2.11.16. **Non-homeless private rented/RP tenants**
- 2.11.17. Non-homeless applicants living in their own private rented or RP accommodation, who are accepted on to one of the priority group lists, will not be re-housed if they have more than one week's rent arrears.
- 2.11.18. **Homeless applicants living in Bed and Breakfast**
- 2.11.19. Homeless applicants with arrears on the charges they are required to pay in bed and breakfast hotel accommodation will be ineligible to bid for properties. In practice, but subject to discretion, arrears of up to £1,000 will not usually be taken into account.
- 2.11.20. Arrears accrued on previous accounts will normally be counted for this purpose.
- 2.11.21. **Homeless applicants living in self-contained accommodation**
- 2.11.22. These properties may be within Westminster Council stock or in private stock managed by a private managing agent, or in private stock managed by a Registered Provider.
- 2.11.23. For properties within Westminster stock the policy will be applied as for Council tenants, see 2.11.5.
- 2.11.24. For all other accommodation except those properties rented from private landlords under the Private Sector Lettings Scheme, applicants with arrears above £1,000 will be ineligible to bid.
- 2.11.25. Applicants in properties rented through the Private Sector Lettings Scheme will be ineligible to bid if they have arrears above £500.
- 2.11.26. Applicants will be informed which threshold applies to them.
- 2.11.27. **All homeless applicants**

- 2.11.28. In circumstances where a homeless applicant has arrears of under £1,000 but a record of persistent non-payment, the Housing Solutions Service Manager retains the discretion to suspend the applicant from bidding until the arrears are cleared or reduced. The applicant will be advised in writing what payment is required to allow them to bid again.
- 2.11.29. **Housing Benefit**
- 2.11.30. Homeless applicants claiming housing benefit in temporary accommodation including Bed and Breakfast will not be eligible to bid until their first or subsequent claim is assessed. They will be able to bid the week after their claim is in payment providing their debit for service charge or other charge not covered by housing benefit does not exceed £1,000 (£500 for those in Private Sector Lettings Scheme properties).
- 2.11.31. Where housing benefit has not been assessed by the housing benefit contractor's target date for assessment, the application will be reviewed by the Housing Solutions Service Manager.
- 2.11.32. Arrears due to unpaid housing benefit to which the applicant is entitled will be ignored for the purposes above where the applicant has provided all the information that he or she has been asked to provide to the Housing Benefit contractor.

2.12. Tenant Management Organisations

2.12.1. Tenant Management Organisations (TMOs) are made up of Council tenants and lessees. The TMO manages the Council properties in its area on behalf of the Council. In Westminster, there are currently 11 TMOs.

2.12.2. Where a general needs property managed by a TMO becomes void, it is advertised as normal. Applicants bid and are shortlisted for the property in the normal way.

2.12.3. Shortlisted applicants are invited to attend a short interview where they meet with existing TMO residents. The applicants are asked a series of questions designed to test which applicant will best contribute to the sense of community on the estate and which will actively participate in the TMO.

2.12.4. The TMO interview questions are set out below.

- Experience of being involved in and contributing to their community. For example;
 - a) running a youth group
 - b) on the Parent Teacher Association committee
 - c) undertaking recognised voluntary work
 - d) undertaking information voluntary work such as helping neighbours
- Already resident in the block or on the estate and applying for an internal move;
- Immediate member of the applicant's family is already resident in the block or on the estate. This is limited to parent, adult child, sister or brother, grandparent or adult grandchild;
- Demonstrate an understanding of what a TMO or Housing Co-operative is.

2.12.5. The TMO will recommend which of the shortlisted bidders it would prefer to be offered the flat, based on the answers given in the interview.

2.12.6. The Director of Housing or duly delegated person will decide which of the interviewees will be offered the tenancy, taking into account who is most likely to best contribute to and actively be involved with the TMO by reference to the answers given in the interview, the preference of the TMO and also the order of preference according to the number of priority points and (if equal) date.

2.12.7. Community Supportive Housing is excluded from the TMO process.

2.12.8. Some Decant applicants in the Renewal schemes may be excluded from the TMO process.

2.13. **Sensitive Lettings**

2.13.1. Occasionally a property becomes available for letting and it is deemed that it should be let 'sensitively' because of particular circumstances that relate to the property, for example the frailty and vulnerability of neighbours (*CMR 5th December 2007 Supply and Allocation Mid Year Update*).

2.13.2. Where a sensitive letting is required, the tenancy will not be offered to the prospective tenant until it is confirmed that neither they nor any member of their household who will be living with them has:

- A history of anti-social behaviour or nuisance;
- Drug or alcohol dependency or
- Any history of drugs dealing;
- Caused housing management problems in previous accommodation, including bed and breakfast or temporary accommodation

2.13.3. Other factors may be taken into account where justifiable. For example, where due to the nature of the sensitivity, a letting should be made to a male or female applicant.

2.13.4. Conversely, a neighbour of a property being let may have a history of behaviour which means it may be necessary to avoid letting the property to a person who is vulnerable to harassment or other behaviour and in these circumstances, discretion may be used to make a direct offer of that letting.

3. Tenant Transfer

3.1. Council tenants applying for a transfer

3.1.1. Requirements for inclusion in an application as set out in section 1.4 apply for applicants who have Council tenancies. So too the requirements for inclusion in a Priority Group. However, applications for a transfer of accommodation from existing Council tenants are treated separately from applications for accommodation by others within Priority Groups. That is because the transfer will result in the accommodation vacated becoming available to allocation. As a result the anticipated projected distribution of accommodation may be higher for applicants within Priority Groups who are also Council tenants. As a result the following requirements for inclusion within the Priority Groups as a Tenant Transfer apply (*H.C. 23rd March 1999 Housing Demand, and Access to Rented Accommodation and Home Ownership, Appendix A2.1*).

3.1.2. For tenants needing to move in Renewal areas there is some flexibility to the criteria in 3.3 and 3.4 below, for example some older family members (over 60) may be considered part of the household where they did not cause overcrowding when they moved in. See sections 7.7, 7.9 and 7.12 of the Policy for Tenants in Housing Renewal Areas (August 2019).

3.2. Main Applicant - Registration

3.2.1. Any tenant/joint tenant of the Council.

3.2.2. Separate applications from both joint tenants will each be considered on its own merits.

3.2.3. Any joint tenant who excludes the other joint tenant from their application will be required to resolve any issues concerning the tenancy before the application is accepted.

3.3. Household Members – Inclusion in Registration

3.3.1. Those household members originally housed with the tenant by the Council under Part VI.

3.3.2. The long-term, co-habiting partner of the tenant. However, where the long-term partner is not currently living with the tenant the applicant will be given priority points based on whichever partner's accommodation best meets the need of the household.

3.3.3. Dependent children normally resident with the main applicant parent (see section 1.4);

- Dependent children who join the tenant from abroad on a permanent basis.
- Dependent children of other relatives who join the tenant from abroad on a permanent basis - where the relationship can be established and where their own parents do not live in this country.
- Those residing permanently with the tenant for foster care or placed with the tenant for foster care for more than 12 months by Westminster's Social Services Department.

3.3.4. Adult relatives who were originally re-housed by the Council.

3.3.5. Carers, where re-housing has been agreed under the Community Care priority group as needing re-housing with a carer and this remains unchanged.

3.3.6. For flexible tenants there will be an assessment towards the end of the fixed term of the size of property needed. The assessment will be completed using the City Council's bedroom standard as set out in section 12 of this Scheme. It will determine if there is under occupation or overcrowding. The household members included in the assessment will be those living with the tenant at the time of the review and people that will be included in the household, will be the same as those included in general registrations as set out in section 3.1.1. Full time students studying away from home with the intention to return will be included as absent household members (as long as they left the tenant's home in order to study).

3.3.7. Exceptionally, in other circumstances, where approved by the Director of Housing or delegated person in the exercise of a discretion.

3.4. **Household Members – Excluded from Registration**

3.4.1. Friends, lodgers and sub-tenants living with the tenant.

3.4.2. Any household member who has moved in and caused the household to be overcrowded.

3.4.3. Any household member who is not themselves eligible to register on the Housing Register (within a Priority Group).

3.4.4. Children of the tenant whose main/principal home is elsewhere.

3.4.5. In exceptional circumstances, the Director of Housing or delegated person may exercise a discretion and decide that a person in any of the above categories may be included on an application.

3.4.6. Applicants approved for Choice Based Lettings will receive points for their priority group as set out in section 2.6.33.

3.5. Surrendering a Tenancy

- 3.5.1. In the case of joint tenancies, for example where there is a threat of violence, if either tenant serves a notice to quit on the Council, the tenancy is brought to an end. If this happens, the Council can offer a new, sole tenancy to one party. The Council can bring proceedings to evict the other party/tenant who remains in the property as an unlawful occupier.
- 3.5.2. However, if either of the joint tenants does not serve notice of termination, the tenancy continues as does the joint and several liabilities to pay rent notwithstanding departure from the property. In these circumstances, the Council will be unable or unwilling to offer alternative Part VI accommodation to the departing tenant.
- 3.5.3. In these circumstances, the applicant will normally have three possible options;
- a) To terminate the joint tenancy for the purposes of applying for a management transfer and thereby enabling the Council to take possession proceedings against the person(s) remaining in possession on the grounds of unlawful occupation as explained above.
 - b) If the applicant does not wish to serve a notice terminating the tenancy, their case will be considered through the normal homelessness route under Part VII of the Act.
 - c) If the applicant wishes to continue the tenancy and remain in their own home, legal remedies may be available and the estate office can refer to the Independent Domestic Violence Advocacy Service or other appropriate source of legal advice. Additional security measures may be available to protect the applicant through the Sanctuary scheme (*Supply and Allocation of Social Housing and Low Cost Home Ownership 2007/08, mid-year update*).

4. Under-Occupation

4.1. Cash Incentive Scheme

4.1.1. The Cash Incentive Scheme (CIS) was introduced in 1989. The enabling legislation is section 111 of the Local Government Act 1972.

4.1.2. The aim of the CIS is to free up under-occupied family sized accommodation, to make available units that could be converted for better use, adapted to meet a special housing need or used generally to meet the needs of priority groups. *Report to Cabinet Member for Housing 9th December 2002 Mid Year Review of the Supply and Allocation of Social Housing and Low Cost Home Ownership (section 6.31 and Appendix F).*

4.1.3. CIS grants are payable to Westminster City Council tenants moving via a Mutual Exchange (*Supply & Allocation Report 12th June 2013*) and WCC tenants re-housed by the Council either within its own stock or via nomination to a Registered Provider or other local authority. Westminster City Council does not pay CIS grants to Registered Provider tenants (except in regards to PCHA tenants, see section 7.4). However, some Registered Providers have their own schemes. See also the Tenancy Policy (updated August 2019) regarding tenants on Flexible Tenancies.

4.1.4. Applicants approved for Choice Based Lettings under this scheme will be registered with mobility category 3 and given points as shown in tables 1 and 2 (section 2.6.33).

4.1.5. Cash Incentive payments will not be paid where under-occupation is as a result of the tenant making their child/ren homeless and the Council has accommodated them (whether that be in the private sector, temporary accommodation or other social housing) within the last five years. *Supply & Allocation Report to Cabinet Member 12th June 2013.*

4.1.6. To be eligible the tenants must;

- Be a secure, introductory or flexible tenant (flexible tenants that are not having their tenancies renewed due to under-occupation are not eligible).
- Have a clear rent account. In practice CIS grants are on occasion paid to tenants with arrears, which are then deducted from the grant before it is paid see 4.7.

4.2. Payment Circumstances

4.2.1. Subject to the property size restrictions set out below, CIS grants are payable in the following circumstances;

- a) To households occupying a home where the Council has identified that the property may be suitable for conversion to create a larger unit
- b) Where the Council has identified a property as being suitable for adaptation for a wheelchair user or other similar adaptation
- c) To a tenant moving to accommodation of the same size as their current home where the property they vacate could be used to meet another high priority need
- d) Where a tenant gives up a property having found housing for themselves elsewhere, with no reciprocal housing arrangement (payments are set out on table 3 of section 4.8).

4.2.2. Payments will only be made on receipt of vacant possession of a property.

4.2.3. Under-occupation moves arranged via a national or London mobility scheme or other mutual exchange are reciprocal and properties obtained via these schemes will be viewed as if they are our own stock, regardless of where they are located. Applicants who have obtained a property via these schemes will receive Cash Incentive grant only if they meet the criteria set out at 4.2.

4.3. **Property Size Restrictions**

4.3.1. CIS grants are payable to tenants under-occupying a two bedroom property or larger who move to a smaller unit.

4.3.2. Single people or couples above the pension credit age and living in properties with three or more bedrooms may move to a two bedroom property, usually with a small second bedroom and be eligible for the grant. *Report to the Cabinet Member for Housing 14th April 2004 Supply and Allocation of Social Housing and Low Cost Home Ownership and Supply and Allocation Report 12th June 2013.*

4.3.3. Single people or couples below the pension credit age and living in properties with three or more bedrooms will only be eligible for a move to a 1-bedroom property and be eligible for the grant. *Supply & Allocation Report 12th June 2013.*

4.3.4. Applicants may give up their large property (three or more bedrooms) in exchange for an equivalent number of smaller units but only where one bedroom is gained, depending on supply. Re-housings will be via the Assist Priority Re-housing quota and direct offers will be made of suitable properties outside the Choice Based Lettings scheme. Residence criteria will apply as for transfer applicants. *Report to the Cabinet Member for Housing 14th April 2004 Supply and Allocation of Social Housing and Low Cost Home Ownership.*

4.3.5. No CIS grant is payable to tenants moving from a one-bedroom unit to a bedsit/studio property or from Community Supportive Housing except when giving up a property under 4.3.7.

4.3.6. A CIS grant is payable to tenants giving up a one bedroom unit in favour of Community Supportive Housing of a bedsit/studio.

4.3.7. In the case of conversions and adaptations, the tenant may move to a larger, smaller or same sized unit.

4.3.8. In the case of moves arranged under section 4.2.1 (d) above, the tenant may move to a same sized or larger unit.

4.4. **Decants**

4.4.1. CIS grants are payable to tenants who the Council wishes to decant to another property where;

- The property being vacated remains part of the Council's housing stock and the decanted refurbished unit continues to be large enough to house a family (i.e. larger than one bedroom)
- Because of the extent of the works a decision is made to transfer or sell the property being vacated to a partner Registered Provider and the Council will receive a nomination right to a family sized unit
- It is no possible to determine refurbishment plans prior to the property becoming vacant but where it would appear that the unit being vacated would provide family-sized accommodation for re-letting after completion of works.

4.5. **Other Restrictions**

4.5.1. CIS grant is not payable where the property being vacated is to be demolished.

4.5.2. Grants will only be paid in respect of conversions where the property can be combined to form a family sized unit.

4.6. **Prioritisation**

4.6.1. Where two CIS applicants have bid for the same property, the Council will offer the property to the applicant with the earliest registration date. If both applicants have the same registration date, the property will be offered to the one giving up the larger sized accommodation. If both are giving up the same size accommodation, the applicant whose application was registered first will be offered the property.

4.7. **Arrears**

4.7.1. Any monies owed to the City Council (e.g. rent arrears, arrears accrued in a previous tenancy, sundry debts etc.) will be deducted from the full amount due under this scheme before grant is paid.

4.8. Cash Incentive Grant Payments

4.8.1. The scheme allows for payments as follows;

Table 1 (Under-occupier being re-housed by WCC)

		Tenant Transferring to				
		Studio or Community Supportive Housing	1 Bed	2 Bed	3 Bed	4 Bed
Tenant Present Property	Above/Below Pension Credit Age (PCA)					
1 Bedroom	Above PCA	£500				
	Below PCA	£500				
2 Bedroom	Above PCA	£3,500	£3,000			
	Below PCA	£1,500	£1,000			
3 Bedroom	Above PCA	£6,500	£6,000	£3,000		
	Below PCA	£2,500	£2,000	£1,000		
4 Bedroom	Above PCA	£9,500	£9,000	£6,000	£3,000	
	Below PCA	£3,500	£3,000	£2,000	£1,000	
5 Bedroom	Above PCA	£12,500	£12,000	£9,000	£6,000	£3,000
	Below PCA	£4,500	£4,000	£3,000	£2,000	£1,000

The above payments are in addition to £2,000 for redecorations and removal costs

Table 2 (applies to tenants **above** the Pension Credit Age);

Tenants moving from	Premium Payment	
	Downsizing by 1 Bedroom	Downsizing by 2+ Bedrooms
3 bedroom property	£3,000	£5,000
4 bedroom property	£3,000	£5,000
5 bedroom property	£3,000	£5,000

- a) Additional payments of £3,000 and £5,000 for tenants vacating a three-bedroom or larger property. Table 2 (above) illustrates the payments available. Tenants downsizing from properties containing three or more bedrooms, who give up **one** bedroom will receive a premium payment of £3,000. Tenants downsizing from properties containing three or more bedrooms, who give up **two or more** bedrooms, will receive a premium of £5,000. This is in addition to the money offered per bedroom and redecoration and removal payments.
- b) Payments are payable on mutual exchange only where the outgoing party is under-occupying and is moving to a property of the correct size and the incoming household will not be under-

occupying their home. Payments are only payable to the under-occupier.

- c) £500 supplement (in addition to the above) to single tenants moving to a bed-sit/studio.
- d) £500 to cover all removal expenses (or removal to be arranged by the Council and any unwanted existing furniture to be removed free of charge).
- e) £1,500 to cover redecoration of the tenant's new home (or to have redecoration carried out by the Council.) The redecoration grant will not be paid if the property has been fully decorated shortly before the offer being made.

Examples			Down Sizing		Receive	Total
			From	To		
1	a	Pension Credit Age	3 bed	2 bed	£3,000 for 1 bedroom gained £3,000 Premium Payment £2,000 Redecoration & Removal	£8,000
	b	Non Pension Credit Age	3 bed	2 bed	£1,000 for 1 bedroom gained £2,000 Redecoration & Removal	£3,000
2	a	Pension Credit Age	3 bed	1 bed	£6,000 for 2 bedrooms gained £5,000 Premium Payment £2,000 Redecoration & Removal	£13,000
	b	Non Pension Credit Age	3 bed	1 bed	£2,000 for 2 bedrooms gained £2,000 Redecoration & Removal	£4,000

Table 3 (Cash to Moves)

Tenants Moving out of Social Housing	
Property Size	Payment Received
Studio (including Community Supportive Housing)	£2,500
1 Bedroom (including Community Supportive Housing)	£3,500
2 Bedrooms	£10,000
3 Bedrooms	£15,000
4 Bedrooms	£20,000
5 Bedrooms	£25,000

This does not apply to Non Renewable Flexible Tenancies (see section 3.8 of the Flexible Tenancy Policy June 2013).

4.9. Conversions/Adaptations

- 4.9.1. Where a property being given up is suitable for conversion or adaptation and the applicant is moving to a smaller property, payment will be made as above.
- 4.9.2. Where the property being given up is suitable for conversion or adaptation and the applicant is moving to a like-sized or larger property,

a one-off payment of £2,000 will be made, in addition to the removal and redecoration payments as above.

4.10. **Additional priority for family and friends of under-occupying tenants moving via the Cash Incentive scheme**

4.10.1. In cases where the tenant wishing to downsize lives alone, but has friends or family living elsewhere in overcrowded Westminster Council accommodation, the overcrowded friend or family member may be re-housed as part of the re-housing arrangement.

4.10.2. In order to qualify for this, the following criteria must be met;

- The overcrowded household nominated by the downsizing tenant must be Westminster City Council tenants;
- The property vacated by the downsizing tenant must be suitable for the nominated tenant in terms of size;
- The nominated tenant must be willing to move to the vacated property. They will not be re-housed elsewhere.
- The downsizing tenant must move to a suitably sized unit elsewhere.
- The nominated tenant must be registered for a transfer with at least 190 points for overcrowding;
- The overall number of bedrooms allocated to both households must not exceed the number gained.

4.10.3. The downsizing tenant will receive a cash incentive payment for any bedrooms gained.

4.10.4. Removals and decoration expenses, as set out above, are payable to the downsizing tenant **only**.

4.11. **Under-Occupation and Flexible Tenancies**

4.11.1. In line with the Tenancy Policy, flexible tenancies will not be renewed at the same address if there is under-occupation.

4.11.2. Flexible tenants will be offered the opportunity to bid for another property of the size needed for a maximum of six months. The bidding period may be extended if there have been no properties to bid for which meets the tenant's needs. If bidding is unsuccessful, one direct offer of accommodation will be made. Any direct offer will take into account where possible, and subject to availability of properties of the tenant's preferences, support networks and any other relevant considerations.

- 4.11.3. If the direct offer is refused, action will be taken to repossess the property and the application will be closed.
- 4.11.4. See the Flexible Tenancy Policy for further information regarding flexible tenants and under-occupation.

5. Pressing Housing Need

5.1. Management Transfers

- 5.1.1. On occasions there are good management or other reasons (e.g. threatened or actual violence, racial harassment) to allow a tenant transfer outside the normal allocation priorities. The Director of Housing or delegated person(s) has the option of agreeing a Management Transfer on an exceptional basis (*H.C 27th June 1995 The Supply and Allocation of Rented Housing*).
- 5.1.2. Management Transfers are for existing Westminster Council tenants and will only be agreed where the household can be re-housed safely within the borough subject to a risk assessment and consideration of any other exceptional grounds. Where re-housing within Westminster is not appropriate the household will be given advice on alternative housing options in other areas which may also include, where appropriate, making an application for assistance under Part VII of the Housing Act 1996 to another local authority.
- 5.1.3. Management Transfers are considered where all other routes to appropriate accommodation have been explored and exhausted (e.g. the tenant is not able or is unlikely to be able to access housing through one of the other priority re-housing routes).
- 5.1.4. Re-housing within the same area (as defined by the Council) is allowed only in cases where the Council considers this to be in the best interests of (and safe for) the tenant.
- 5.1.5. Applicants approved for a Management Transfer will be in the Pressing Housing Need Priority Group. The resulting priority for re-housing within this group will be by points and the date the Management Transfer was agreed. The Council reserves the right to review an applicant's circumstances, which may result in their Management Transfer priority being removed, for example if there is no longer a pressing housing need for the applicant to be re-housed. A review of the household's need for a Management Transfer will be undertaken every 12 weeks from the date they are accepted for this priority group.
- 5.1.6. Applicants will not be accepted for a Management Transfer if they are subject to action on their tenancy eg possession proceedings are being taken for rent arrears and/or ASB. There will be some occasions where a Management Transfer is appropriate (based on the level of risk) where action is being taken by the Council against the tenant and in these circumstances Director's Discretion will be considered on a case by case basis.
- 5.1.7. Subject to 5.1.8 where a tenant is awarded a Management Transfer they will be entitled to the same size accommodation as the current tenancy (like for like) unless they are overcrowded by two bedrooms or

more (have a minimum of 190 priority points as set out in 2.6.33 table 1) in which case larger accommodation will be offered.

- 5.1.8. Where a tenant is in a property too large for their needs, the tenant will be required to move to more appropriately sized accommodation by making use of the Cash Incentive Scheme.
- 5.1.9. The size of property to be allocated is determined at the point of registration, but will be revised should the size of property needed decrease.
- 5.1.10. Applicants approved for Management Transfers will be given one direct offer of the next suitable property (in accordance with 5.1.7 and 5.1.8) for the households need (depending on the individual risk for that household). If this is unreasonably refused, the Management Transfer application will be closed or, if the applicant had an existing priority at the time the Management Transfer was agreed (e.g. overcrowding), they will be placed on the previous list if it is still applicable. *Cabinet Member Report 7th November 2017, section 6.3.*
- 5.1.11. When considering a request for a Management Transfer from a joint tenant, the Council will consider the circumstances of the joint tenant (see section 3.5).
- 5.1.12. The Choice and Lettings Manager can refer a case to the Housing Needs Team for reconsideration of any management transfer decision. *Cabinet Member for Housing Report 9th December 2002.*

5.2. Decants/Major Works

HC 27th June 1995 the Supply and Allocation of Rented Housing.

- 5.2.1. Decanting is necessary where the Council proposes to carry out major modernisation or rehabilitation works – to blocks or individual homes – which cannot be undertaken with the residents in occupation or where demolition is proposed as part of wider redevelopment.
- 5.2.2. Where a tenant is awarded Decant status they will only be offered accommodation larger than their current tenancy if they are overcrowded by two bedrooms or more. The size of accommodation offered will be dependent on the supply available (*Supply & Allocations Report 9th May 2014, section 5.3*).
- 5.2.3. Where a tenant is in a property too large for their needs, the tenant will be offered a property according to their assessed need.
- 5.2.4. The size of property to be allocated is determined at the point of registration, but will be revised should the size of property needed decrease/increase. NB specific policies may apply to tenants in renewal areas. See also section 12.1.10.
- 5.2.5. Prior to their move the right to return will normally be offered to all tenants who have to be decanted, other than those whose original home will materially change (e.g. be demolished, have additional or fewer bedrooms), or where a rolling decant programme is necessary.
- 5.2.6. If a tenant opts to return, temporary re-housing will be offered in either the Council's temporary or other housing stock. In such circumstances, an applicant will almost certainly lose any entitlement to a Home Loss Payment (under the Land Compensation Act 1973). If moving temporarily to a smaller property no Cash Incentive grant is payable (see section 4.1).
- 5.2.7. If a tenant opts not to return, the applicant will be approved to bid for another property via Choice Based Lettings as a Decant.
- 5.2.8. If the decant is imminent or possession proceedings are pending, the Director of Housing will exercise discretion to make a direct offer to the tenant. It may be necessary to make direct offers up to 12 months before the expected demolition or redevelopment date for large households or 6 months before for smaller households. A Notice of Seeking Possession (NOSP) may be served on tenants who have refused two decant offers in order to protect the Council's interests. The discretion includes a decision to allow more than one offer but a second offer will not normally be made if a direct offer of suitable accommodation is refused.
- 5.2.9. Subject to the discretion of the Director of Housing, the only people to be considered for re-housing with the tenant will be those who are;

- Continuing household members housed originally with the tenant by the Council
- Long-term cohabiting partner of the tenant
- Additions to the tenant's household through birth or adoption of dependent children

Provided such persons are resident at the time the decant is agreed and have been resident for at least the previous five years.

5.2.10. Payments of the Cash Incentive Scheme grant will be made to decant transfers where;

- The property vacated remains part of the Council's housing stock and the refurbished unit continues to be larger than one bedroom.
- Because of the extent of the works, a decision is made to transfer or sell the property being vacated to a partner RP and the Council will receive a nomination right to a family sized unit.
- It is not possible to determine refurbishment plans prior to the property becoming vacant (but where it would appear that the unit being vacated will provide a family-sized accommodation for re-letting after completion of the works).

5.2.11. Where a property is to be demolished, no Cash Incentive payment will be made.

5.2.12. The Council retains the right to commence legal proceedings for possession whilst a person is included within the Pressing Housing Need Priority Group as a Decant.

5.2.13. The Council is bringing forward a range of Regeneration and Renewal Schemes across the city. Specific decant policies will apply and these schemes may also be subject to a local lettings plan (see also section 16.2.7).

5.3. Reciprocals

- 5.3.1. Usually Registered Provider tenants will only be able to bid via Choice Based Lettings if they fall into one of the Priority Groups for re-housing.
- 5.3.2. However, in certain circumstances the Council may agree to assist RP tenants on a reciprocal basis. This is usually in a crisis or when it is of benefit to the Council to offer a reciprocal because this will produce a vacant property that is valuable to the Council in meeting housing demand.
- 5.3.3. All reciprocal arrangements are agreed on a discretionary basis and the Council retains the right to decline a request for a reciprocal agreement if it is not considered to be in the interests of the Council.
- 5.3.4. The Choice and Lettings Manager must approve all reciprocal arrangements.
- 5.3.5. Where the applicant has rent arrears for more than one week, the request will be refused.
- 5.3.6. Reciprocals are only agreed when there is no material loss to the Council in terms of available housing stock. In most cases, this means that the Council will expect back a property of equal or larger size than the unit offered. The unit must also be comparable in terms of quality and type.
- 5.3.7. In exceptional circumstances, the Council may agree to accept two smaller units in exchange for a larger unit of the same number of bedrooms. This will only be considered where there is no other re-housing option available to the applicant and where there is a strong welfare reason to support the request.
- 5.3.8. The Council expects to receive back the replacement unit within twelve months of the original re-housing.
- 5.3.9. The Registered Provider concerned will be required to provide a written commitment to the terms of the reciprocal, as agreed by the Choice and Lettings Manager.
- 5.3.10. Applicants approved for Choice Based Lettings on a reciprocal basis will be placed in and be able to bid for general needs housing under the Pressing Housing Need Priority Group for three months and if unsuccessful during this period will be given one direct offer of suitable accommodation. If this is unreasonably refused the application will be closed.
- 5.3.11. The Council will contact the applicant's landlord at the point of re-housing, to notify them of the move and to request details of the property being provided in replacement.

- 5.3.12. When the incoming applicant is the tenant of a Registered Provider and the Council has already awarded the applicant housing priority via one of the other priority re-housing lists, no additional 'reciprocal' priority will be awarded to the applicant. The Council will contact the RP in question to seek the reciprocal at the point of re-housing the applicant. The applicant will not be re-housed 'out of turn'.

5.4. **Discretionary Succession/Assignment (for Secure Tenants)**

5.4.1. Applicants accepted under this policy can bid for properties via Choice Based Lettings subject to the terms below. They are applicants who are second successors (as defined below) but who are not permitted to remain in the original home in the circumstances set out in 5.4.12 below.

5.4.2. See section 5.6 for tenants with flexible tenancies.

5.4.3. Previously known as second succession, this policy applies when a Westminster Council tenant dies. The Housing Act 1985 (Sec 87) allows one statutory succession. This policy makes a further discretionary 'succession' possible.

5.4.4. To be eligible for the exercise of this discretion, the person applying to benefit from this policy must;

- Have been living with the tenant at the time of his/her death for a minimum of one year and
- Except for a spouse or a registered civil partner, have done so throughout the preceding five years and
- Be a member of the tenant's family (as defined in section 113 of the Housing Act 1985) excluding aunts, uncles, nephews, nieces or cousins.

5.4.5. The accommodation must be their only and principal home.

5.4.6. Any 'use and occupation' account set up following the death of the tenant must not be in arrears at the time of the offer or bid.

5.4.7. Where there is more than one person living in the household who is eligible for a discretionary 'succession', the Council expects the household to decide who should benefit. Provided that person meets the criteria outlined here, the Council will generally respect this choice. However, the final decision regarding which household member should benefit rests with the Council.

5.4.8. **Offer**

5.4.9. If the second successor is a spouse or registered civil partner, they will be entitled to remain in the original home.

5.4.10. The second successor may only include the following people as part of their household;

- Co-habiting partner including married, non-married and same sex partners

- Dependent children normally resident with the main applicant
- Adult relatives reasonably expected to reside with the main applicant, who moved in to the property at the same time as the second successor and who live in the property as their only and principal home.

5.4.11. When considering 'normal residence' or whether it is 'reasonable to expect to reside', the Council will make reference to section 1.4.

5.4.12. If the second successor is not a spouse or registered civil partner eligible under the discretionary succession policy, they may remain in the original home only if it is the size needed by their household under the bedroom standard.

5.4.13. If the second successor is not entitled to remain in the original property, they will be made one direct offer of accommodation or will be able to bid for accommodation of the size needed, for a maximum of 6 months only, after which a direct offer will be made.

5.4.14. A discretionary successor that has been living in Community Supportive Housing will only be able to remain there if they are eligible for this type of housing in their own right, as set out in section 10 of this Scheme and it is the right size needed.

5.5. **Assignment (Discretionary Re-housing for Secure Tenancies)**

5.5.1. The Housing Act 1985, section 91 (3) (c) allows for a secure tenancy to be assigned. In particular, a secure tenancy can be assigned to a person who could have succeeded to the tenancy if the tenant had died immediately before the assignment.

5.5.2. In the circumstances set out at 5.5.6 and 5.5.8 persons refused an assignment may be given one direct offer or be given priority under the Discretionary Succession/Assignment Priority List for a maximum 6 months only after which a direct offer will be made.

5.5.3. In addition to the statutory right to assign, the Council exercises discretion on whether or not to permit assignment. The discretion is exercised by the Director of Housing or duly delegated person. An example of where assignment may be considered is where a tenant has moved permanently to a residential nursing home.

5.5.4. The person in respect of whom the discretion may be exercised may only include the following people on their application;

- Co-habiting partner of the tenant including married, non-married and same sex partners (called 'the main applicant').

- Dependent children normally resident with the main applicant parent.
 - Adult relatives reasonably expected to reside with the main applicant, who moved in to the property at the same time as the main applicant and who live in the property as their only and principal home.
- 5.5.5. When considering 'normal residence' or whether it is 'reasonable to expect to reside', the Council will make reference to section 1.4.
- 5.5.6. Where an assignment is refused and the conditions set out below are satisfied, the person who satisfies the conditions will normally be entitled to be placed on the Discretionary Succession/Assignment Priority List subject to the following sections.
- 5.5.7. The conditions are;
- That the person was living with the tenant at the time of his/her request for an assignment; and
 - Except for a spouse or civil partner, has done so throughout the preceding five years;
 - Is a member of the tenant's family as defined in section 113 of the Housing Act 1985 excluding aunts, uncles, nephews, nieces or cousins; and
 - But for the accommodation being larger than required an assignee would otherwise have qualified to 'take over' the tenancy or would have been assigned the tenancy
- 5.5.8. An assignment request will usually be refused if there will be under occupation of the property (see bedroom standard, section 12 and 5.5.5) except in the case of a spouse or registered civil partner. Where an assignment is refused and the conditions set out above are satisfied, the person who satisfies the conditions will normally be entitled to be placed on the Discretionary Succession/Assignment Priority List subject to the following sections.
- 5.5.9. As a member of that Priority List they will be able to bid for a property of the size needed for a maximum of six months, or if unsuccessful during this period, one discretionary offer of accommodation will be made.
- 5.6. **Discretionary Succession (for Flexible Tenancies)**
- 5.6.1. The policy on discretionary succession does not apply to flexible tenancies for Non Priority Households (see 3.8-3.10 of the Tenancy Policy
- 5.6.2. updated August 2019). To be eligible to succeed to the flexible tenancy the applicant must;

- a) Be a spouse or civil partner of the deceased tenant and have lived with them at the time of their death, as their only or principal home, **for a minimum of one year, or**
- b) Be an adult child, brother or sister, or partner (people living together as spouses or civil partners) of the deceased tenant and have lived with them at the time of their death, as their only or principal home **for a minimum of five years.** Other City Council tenancies will be taken into account as long as the applicant had lived with the deceased tenant continuously and as their only or principal home.

and (for both 5.6.1 (a) and 5.6.1 (b) above)

- c) Have priority to be re-housed under the City Council's Housing Allocation Scheme.

5.6.3. Where the criteria above in 5.6.1 (7.16 of the Tenancy Policy updated August 2019) are met, a new flexible tenancy will be offered (following successful completion of an introductory tenancy). This may be at the original home, or another property, depending on the size needed which will be assessed under the City Council Bedroom Standard set out in the Housing Allocation Scheme. With regards to the type of property needed, a discretionary successor that has been living in Community Supportive Housing will only be able to there if they are eligible for this type of housing in their own right, as set out in this Scheme, and it is the right size needed. If a property, other than the original is offered, the applicant will be able to bid for a period of six months after which one direct offer will be made. Upon expiry of the flexible tenancy a further flexible tenancy may be offered in line with the Tenancy Policy (see section 4 of the Tenancy Policy updated August 2019).

5.6.4. Where the criteria in 5.6.1a) or 5.6.1b) (7.17.1 or 7.17.2 of the Tenancy Policy updated December 2016) are met but the criteria in 5.6.1c) (7.17.3) is not met and there is no priority to be re-housed under the Housing Allocation Scheme, the applicant will be made one direct offer of a two year Flexible Tenancy for Non Priority Households. This is intended to provide the applicant with some transitional short term housing following a bereavement and is in order to help them plan to move. Upon expiry of the two year flexible tenancy, a further tenancy will only be granted in accordance with the renewal criteria (see 4.15-4.16 of the Tenancy Policy updated August 2019). The property may be the original home or another property depending on the size needed which will be assessed under the City Council's Bedroom Standard or any equivalent standard set out in the Housing Allocation Scheme. With regards to the type of property needed, a discretionary successor that has been living in Community Supportive Housing will only be able to remain there if they are eligible for this type of housing in their own right, as set out in this Scheme, and it is the right size needed.

5.6.5. Where more than one person is eligible for a discretionary succession, the City Council expects the household to decide who should benefit. Provided that the person meets the criteria outlined here, the City Council will generally respect this choice. However, the final decision regarding which household member should benefit rests with the City Council.

5.6.6. The discretionary successor may only include the following people as part of their household;

- Co-habiting partners including married, non-married and same sex partners
- Dependent children normally resident with the main applicant parent
- Adult relatives reasonably expected to reside with the main applicant, who moved into the property at the same time as the discretionary successor and who lives in the property as their only and principal main home.

5.7. **Discretionary Assignment (for Flexible Tenancies)**

5.7.1. This policy does not apply to Flexible Tenancies for Non Priority Households (see 3.8-3.10 of the Tenancy Policy updated August 2019). In exceptional circumstances where consent for a statutory assignment is refused a discretionary assignment of the flexible tenancy may be agreed where;

- A statutory assignment cannot take place because although all other conditions are met the tenant wishing to assign is already a successor; **or**
- Although all other conditions are met, consent to the statutory assignment has been refused on the basis that it would lead to under-occupation of the property; **and**
- The tenant assigning the tenancy will not remain in the premises afterwards

5.7.2. Only certain people may qualify for a discretionary assignment and these are;

- a) The spouse or civil partner of the tenant who has lived with the assignor at the time of the assignment application as their main home, for a **minimum of one year; or**
- b) The adult child, brother or sister, or partner (people living together as spouses or civil partners) of the tenant who has lived with the assignor at the time of the assignment application, as their main home for a **minimum of five years.** Other City Council tenancies

will be taken into account as long as the applicant had lived with the deceased tenant continuously and as their only or principal home.

and (for both 5.7.2a) and 5.7.2b) above)

- c) The person in question has priority to be re-housed under the City Council's Housing Allocation Scheme.

5.7.3. Subject to the above criteria being met, a discretionary assignment of a flexible tenancy will only be agreed in exceptional circumstances. An example of where this may apply is where the tenant enters long-term residential care leaving a family member in occupation.

5.7.4. If an assignment is agreed a new tenancy will be offered which will be a flexible tenancy unless the assignee meets one of the criteria in 3.11 of the Tenancy Policy August 2019. The tenancy may be at the address where the assignee has been living, or another property depending on the size of property needed. This will be assessed under the City Council's Bedroom Standard or any equivalent standard set out in the Allocation Scheme. To determine the size of property needed the following members will be considered part of the discretionary assignee's household;

- a) Co-habiting partners including married, non-married and same sex partners
- b) Dependent children normally resident with the main applicant parent
- c) Adult relatives reasonably expected to reside with the main applicant, who moved into the property at the same time as the discretionary assignee and who live in the property as their only and principal home.

5.8. Assignment By Way of a Court Order

5.8.1. Transfers of tenancies can be ordered in some circumstances under the Family Law Act 1996, Matrimonial and Family Proceedings Act 1984, under Schedule 1 of the Children Act 1989, Matrimonial Causes Act 1973 and Civil Partnership Act 2004.

5.9. Social Services Nominations

5.9.1. Currently there are set quotas managed by Social Services' teams for;

- Community Care Nominations
- Learning Disabilities
- Children Act Accommodation Panel (CAAP)
- Young People Leaving Care
- Foster Carers

5.9.2. Applicants with priority under 5.9.1 above who require a studio or 1-bedroom accommodation will be given points as set out in section 2.6.33 (table 2) of this scheme.

5.9.3. There is an ongoing need for larger sized units for families supporting relatives who would otherwise be taken into care. Where it is agreed that a particular family requires a larger unit, the property is taken from the total quota allocation rather than being dependent upon availability against the relevant small quotas listed at 5.9.1.

5.9.4. On occasion a court requires a trial period when a family is monitored professionally to assess the ability to manage as a family and on these occasions placements should be in suitable accommodation. In these circumstances it may be necessary to make use of temporary accommodation until the applicant is ready to maintain a tenancy.

5.10. Community Care Nominations

5.10.1. The National and Community Care Act 1990 puts a duty on the Council to consider and where possible meet accommodation needs as part of any care package.

5.10.2. Community Care Nominations are to assist a small number of people who are not eligible for re-housing through any other priority route.

5.10.3. Care Managers in Social and Community Services can nominate applicants who require accommodation as part of their care package or who have other general needs where;

- Move on from Community Supportive Housing/residential care/residential treatment is needed; or
- A client is living with relatives and needs independent housing; or
- A client needs to be housed with a carer

and

- Where other routes to appropriate accommodation have been explored and exhausted (e.g. the client is not able or is unlikely to be able to access housing through one of the other priority re-housing routes).

- 5.10.4. Approved applicants will receive points as set out in section 2.6.33 and, if the applicant and care manager agree, the applicant should participate in the Choice Based Lettings Scheme. However, where appropriate direct offers can be made at the discretion of the Director of Housing or delegated person.
- 5.10.5. If the Director of Housing or delegated person decides that the applicant should receive direct offers, an offer will be made according to the date of referral (earliest first) except in extenuating circumstances when Social Services' authorising officer should have discretion to request that a particular case be expedited. *Report to Cabinet Member for Housing 9th December 2002 Mid Year Review of the Supply and Allocation of Social Housing and Low Cost Home Ownership.*
- 5.10.6. If the applicant refuses one suitable direct offer of accommodation, section 13.2.2 will apply.

5.11. **Learning Disability Quota**

- 5.11.1. In April 2001, the Council established a small quota of re-housings for people with learning disabilities (*H.C. 27th March 2001 Supply and Allocation of Social Housing and Low Cost Home Ownership*).
- 5.11.2. Nominations to this quota will be made and prioritised by Social and Community Services. This quota is for adults with learning difficulties who are being supported to move into independent accommodation to prevent the use of residential care and supported housing.
- 5.11.3. If the applicant and care manager agree the applicant should participate in the Choice Based Lettings scheme. However, where appropriate direct offers can be made at the discretion of the Director of Housing or delegated person taking account of all the circumstances including the demand for and supply of accommodation and the general housing circumstances within the City of Westminster.
- 5.11.4. If the applicant refuses one direct offer of suitable accommodation, section 13.2.2 will apply.

5.12. **Children Act**

- 5.12.1. Under the Children Act 1989 the local authority may have a duty to provide accommodation for a child in need within their area who appears to them to require accommodation in specific circumstances.
- 5.12.2. The decision as to whether a child is a 'child in need' is made by the Social and Community Services Department.
- 5.12.3. The Housing Department will work in partnership with Social and Community Services to assist and prevent care needs deteriorating in accordance with the Care Act 2014 providing the request is compatible

with the Housing Department's own statutory or other duties and obligations, and does not unduly prejudice the discharge of its functions.

5.12.4. If the applicant refuses one direct offer of suitable accommodation, section 13.2.2 will apply.

5.13. **Children Act Accommodation Panel**

5.13.1. In Westminster City Council the Children Act Accommodation Panel (CAAP) considers such requests for assistance. CAAP is made up of officers from Children's Services and Housing.

5.13.2. Where re-housing into a social housing tenancy is agreed, applicants will receive points as set out in section 2.6.33. The CAAP will decide whether re-housing should be through Choice Based Lettings or as a direct offer. If the applicant refuses one suitable direct offer of accommodation, section 13.2.2 will apply.

5.13.3. A quota is set annually for Children Act re-housings. This includes re-housings for children leaving local authority care (see section 9.8) and a small number of re-housings agreed by the CAAP (*H.C. 27th March 2001 Supply and Allocation of Social Housing and Low Cost Home Ownership*).

5.13.4. If the applicant refuses one direct offer of suitable accommodation, section 13.2.2 will apply.

5.14. **Foster Carers**

5.14.1. Existing Council tenants who would need larger accommodation to be able to accommodate a foster child will be assessed by Social and Community Services and referred for re-housing through the Children Act quota.

5.14.2. Re-housing through this quota is available to foster carers who plan to foster a succession of children on an ongoing basis as well as 'Network Carers' who foster a blood relative who can no longer live with his/her natural parents.

5.14.3. This option is available to;

- Registered Provider tenants in the City of Westminster where the Council has nomination rights to the vacated property.
- Established foster carers who are tenants renting privately in the City of Westminster who would foster children with special needs if they had sufficient bedrooms.

6. Medical Priority

6.1. People who need to move on Medical, Disability, Welfare or Hardship grounds

- 6.1.1. The Housing Act 1996 Section 166A as amended requires the housing authority to give reasonable preference to people who need to move on medical or welfare grounds (including grounds relating to a disability) and to people who need to move to a particular locality in the district where failure to meet that need would cause hardship (to themselves or to others).
- 6.1.2. Accepted homeless households living in temporary accommodation will not be eligible for this priority. It is the Council's statutory duty to ensure that suitable temporary accommodation is provided. See also section 8.1.13.
- 6.1.3. When appropriate, a medical advisor will provide an assessment for all such applicants to advise upon and assist the Council to determine whether the criteria for this Priority Group is met.
- 6.1.4. As part of the assessment for medical priority consideration will be given to the suitability of the current property and any adaptations that have been carried out. If the housing need is met by the adaptations, or could be met by further alterations, medical priority may not be awarded.
- 6.1.5. Applicants will receive one set of priority points per household for this priority.
- 6.1.6. Registered Provider tenants will be assessed by the Council for Category A Medical Priority. The assessment will include liaising with the household's own landlord to see whether a transfer can be made via their own stock. Households may not be given medical priority if their own landlord is able to offer a suitable property via their own transfer list.
- 6.1.7. Re-housing on medical, welfare and disability grounds normally arises when;
- The housing situation **seriously** adversely affects health; and
 - The property cannot reasonably be adapted to meet needs and thereby causes the need to move.
- 6.1.8. This situation usually arises when;
- There is a housing factor which directly adversely affects a medical condition;

- Adverse housing factors have a serious effect on the ability to cope on the quality of life.
- On occasions, an additional bedroom or extra space may be needed on health grounds.

6.1.9. A wide variety of individual circumstances can occur which give rise to a need to move on medical or welfare grounds and therefore the following criteria are only an overall guide. All cases are considered on individual severity and merit and will be offered a property suitable to their needs and will be assessed in line with the bedroom standard except where an extra bedroom has been assessed as necessary.

6.2. **Housing factors that may seriously, adversely affect a medical condition, welfare or disability;**

6.2.1. **Dampness**

6.2.2. This must be caused by a structural building defect, which has been investigated and found to be irremediable. Otherwise repairs will normally be expected to resolve the problem. Example: severe chest conditions requiring intermittent hospitalisation.

6.2.3. **Overcrowding**

6.2.4. Can increase the risk of infection in some susceptible individuals and therefore seriously affect health adversely requiring a move. Example: undergoing chemotherapy, suffering from full-blown AIDS. See also sections 6.4 and 6.2.5.

6.2.5. **Unsuitable for Mobility Impairment**

6.2.6. Problems with walking and climbing stairs can make it difficult to reach or move within accommodation. A wide variety of medical conditions can cause reduced mobility but only severe conditions are likely to be awarded priority for re-housing. Example: lower limb amputation, registered blind.

6.2.7. The award of priority will depend on a consideration of the level of disability together with details of access of the existing accommodation and the potential for adaptation. It must be necessary to move on medical or welfare grounds.

6.2.8. Applicants with mobility needs will be given a mobility category to reflect this. Applicants assessed with mobility category 1 or 2 will receive a direct offer of suitable accommodation. See section 2.7.

6.2.9. **Effect on Psychiatric Conditions**

6.2.10. Dementing Illness; in such cases, an assessment will be made of the capacity for independent living, and the possible need, or suitability, for Community Supportive Housing.

6.2.11. Severe Psychiatric Conditions; in assessing these cases, supporting information will be required from a consultant psychiatrist practising in the NHS. Normally for there to be a need to move, the evidence will show that alternative accommodation will significantly improve the quality of life of the applicant.

6.3. **Factors that may warrant allocation of an additional bedroom on health grounds, or accommodation with a larger bedroom, on health/space grounds.**

6.3.1. Severely agitated behaviour. Example: dementing illness, hyperactivity in children where there is a risk to themselves or others.

6.3.2. Double incontinence, chronic skin wounds, nocturnal epilepsy. Single applicants with such conditions will not generally qualify for an additional bedroom (or, one bedroom as opposed to the studio standard) as such applicants already benefit from a private living space. The authority's consideration is directed to households of two or more persons where such conditions may give rise to undue disturbance to other household members, such that separate space/sleeping space is necessary or desirable. The matter is one for determination of the city Council on the merits of the case.

6.3.3. **AIDS and HIV**

6.3.4. Westminster City Council considers applications for re-housing from people with HIV/AIDS through the Medical Priority Group.

6.3.5. **Re-housing with a Carer**

6.3.6. When an applicant requires a carer and the proposed carer is not a member of the applicant's existing household, re-housing must be sought via a Community Care Nomination.

6.3.7. **Hardship**

6.3.8. People who need to move to a particular locality within the City of Westminster where failure to meet that need would result in hardship. The relatively small size of the City of Westminster and the existing transport links will be taken into account.

6.4. **Reviews**

6.4.1. Medical Priority applications are normally reviewed at 12 monthly intervals. The review considers in particular;

- Whether the applicant still satisfies the criteria for this Priority Group.
- Whether, particularly in the case of larger families, there are other re-housing options available.
- If there are alternative re-housing options and the applicant does not exercise them, the applicant's priority may be removed.

6.5. **Range of Circumstances**

- 6.5.1. Households qualifying for medical priority may also be living in insanitary, overcrowded or otherwise unsatisfactory housing. Applicants will be registered within the Medical Priority Group when the primary housing need entitling priority housing group registration is due to the medical issue.

7. Overcrowding

7.1. People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions

7.1.1. The Director of Housing (or person to whom the discretion has been duly delegated) has a discretion to decide whether an applicant is living in insanitary or unsatisfactory housing conditions, taking into account the demand for and supply of housing and the general housing circumstances in the City of Westminster. In exercising this discretion, the Director of Housing will take account of the ability to improve the property through repairs.

7.1.2. For the purpose of exercising the discretion the Council uses the Housing Health and Safety Rating System (HHSRS) and Part X Housing Act 1985 when assessing eligibility for this priority. See section 12, Appendix III (HHSRS Crowding and Space Guidance) and Appendix IV (Housing Act 1985 (excerpt)) for details.

7.1.3. Applicants original registration date will remain even if their assessed bedroom size changes.

7.2. Westminster Council Tenants (Overcrowding Transfer List)

7.2.1. Priority for overcrowding is determined by the number of bedrooms a household is lacking and applicants applying under this priority are given points to reflect their level of overcrowding. This is assessed using the Council's bedroom standard set out in section 12 of this scheme (*Supply & Allocations Report 21st March 2011*).

7.2.2. Applicants with an overcrowding hazard assessed using HHSRS as 5000 or more (the HHSRS Band A hazard) or who are statutorily overcrowded (see Appendix IV for details of the 'statutory' definition) will qualify for the highest priority points within this group as set out in section 2.6.33.

7.2.3. Applications consisting of a household with a child/children will have 10 more points than an all adult household to reflect the needs of children (*Supply & Allocations report 21st March 2011*).

7.2.4. Sections 1.4 and 3.1.1 will apply for determining who will be included within the application for housing, therefore in calculating the risk score, we do not take into account people who are ineligible, not part of the original household or excluded from the tenant transfer list when assessing this priority. The Council will recalculate the risk score without the additional members and only award points if the risk rating is still over 5000 or if the family is still statutorily overcrowded.

7.3. Adult Children of Overcrowded Council Tenants

- 7.3.1. A case management approach will be taken for households who are overcrowded by two or more rooms. For the most severely overcrowded households this may include the option of offering one direct offer of separate housing in studio or 1-bedroom flats when this will resolve their overcrowding and the remaining family agree to close their transfer application.

7.4. PCHA Tenants (in-fill properties on Lisson Green)

- 7.4.1. Westminster's Allocation Policy applies to PCHA tenants on the Lisson Green Estate who apply to move to a larger property due to overcrowding. (*Supply & Allocations Report 21st March 2011*).
- 7.4.2. PCHA tenants on the Lisson Green Estate will not be eligible for a move via a Management Transfer under this scheme. PCHA's own Management Transfer policy may apply.

7.5. Registered Provider Tenants

- 7.5.1. Overcrowded applicants of a Registered Provider (HACE members) can be nominated for re-housing under the Registered Provider Quota. The number of lettings to this priority group is determined in the annual Supply & Allocations report. Each Provider can nominate a maximum of four households initially and once the quota is achieved no further re-housings will be made to this group until the following financial year (*Supply & Allocations Report 21st March 2011*). Each Provider can nominate another of their tenants once one of their previous nominated tenants have been re-housed via this quota.
- 7.5.2. Applicants nominated by their RP for this priority will receive priority points as set out in section 2.6.33. Residence and employment points are not applicable to this group because the Registered Provider is nominating tenants to the Council. It will be for the RP to decide which households are nominated however nominations should include households with an HHSRS risk rating of 5000 or more or who are statutorily overcrowded.
- 7.5.3. Applicants accepted for this priority must be existing Westminster residents of the Registered Provider and will be registered according to the date they were awarded priority for a move by the nominating Registered Provider.
- 7.5.4. Applicants will be allocated general needs housing and are therefore not expected to have mobility or medical issues.
- 7.5.5. A case management approach will be taken for severely overcrowded households (requiring a 3-bedroom property or larger) and adult household members may be offered separate housing in smaller properties.

7.5.6. Any void resulting from a re-housing through this quota will come to the Council and will be over and above the true void entitlement, (unless section 7.5.5 applies therefore no void would be provided by the RP to the Council). However before the Council considers providing additional housing for adult household members, the Council will expect the RP to have considered this option using their own stock prior to nomination to the Council.

7.6. **Private Sector Tenants**

7.6.1. When applicants live in private rented accommodation with an HHSRS risk rating of 5000 or more or who are statutorily overcrowded (and there is no social housing available for them for the foreseeable future) they will be assisted to find alternative private sector accommodation of the correct size in order to relieve or alleviate the existing housing need.

7.6.2. Where a household has not found a private sector home to meet their needs within a reasonable period of time they may be placed on the Overcrowded Priority List and given points as set out in section 2.6.33.

7.7. **Homeless**

7.7.1. Homeless applicants living in temporary accommodation will not be eligible for this priority. It is the Council's statutory duty to ensure suitable temporary accommodation is provided, therefore should it arise that a household has an HHSRS risk rating over 5000 or is statutorily overcrowded, they will be prioritised for a move within the temporary accommodation stock.

8. Homeless

8.1. Households to whom Westminster City Council has accepted a statutory duty under the Housing Act 1996 as amended

- 8.1.1. Households accepted as homeless will be given points as set out in section 2.6.33. If a homeless applicant becomes ineligible for housing (see section 1.2.3), the Council's duty will end. Applicants may be suspended from bidding (or being given a direct offer of accommodation) whilst changes affecting their eligibility are investigated. See also section 2.1.2.
- 8.1.2. Reasonable preference for homeless people is given on the basis that the applicant has satisfied the requirements that give rise to a statutory duty to provide accommodation under Part VII of the Act (except the interim duties to accommodate under sections 188 and 200 (1)). For those who are homeless and have not applied for housing assistance under Part VII of the Act, the Council will treat an application under Part VI as though it includes an application under Part VII for the purposes of assessing reasonable preferences.
- 8.1.3. Applicants who are owed the prevention duty under section 195 of the Act or the relief duty under section 189B of the Act will be provided with personalised housing plans. They will not generally be considered for inclusion on the housing register until a decision has been made as to what (if any) duty to provide accommodation is owed to them, although the Director of Housing can exercise discretion to consider them for inclusion at an earlier stage.
- 8.1.4. Applicants who are owed the duty under section 193C of the Act following a deliberate and unreasonable refusal to co-operate will not generally be placed on the housing register and the Council will look to end the duty by making a final accommodation offer in the private sector. The Director of Housing can, however, exercise discretion so that such an applicant is made a direct offer of accommodation under Part VI of the Act or is placed on the housing register in the homeless priority group and allowed to bid for accommodation.
- 8.1.5. An applicant within the homeless priority group may be time limited for the purposes of bidding and then made a direct offer (*see section 2.2.9 of this scheme and the Supply & Allocations Report 21st March 2011*).
- 8.1.6. Where a homeless household has been provided with temporary accommodation by the Council and the lease on this property will be ending within twelve months and will not be renewed, the Housing Solutions Manager has the discretion to award the household additional points as set out in section 2.6.33.

- 8.1.7. Households will not be awarded the additional lease end points if their position on the list at the time of the lease expiry means they are unlikely to be successful via CBL within twelve months. If awarded the additional lease end points, their ability to bid will be time limited and section 13.2.3 of the scheme will apply if they do not successfully bid during that period.
- 8.1.8. If the household does not bid successfully by the time the lease ends/end of the bidding period, the household may be made a direct offer of suitable accommodation. If the household refuses the property this may result in the Council's duty to them under Part VII of the Housing Act 1996 ceasing.
- 8.1.9. If the household refuses an offer of accommodation following a successful bid or a direct offer (including a Private Rented Sector Offer, see PRSO Policy at Appendix V), this may result in the Council's duty to them under Part VII of the Housing Act 1996 ceasing.
- 8.1.10. Homeless applicants in temporary accommodation may have their priority reduced and will be unable to participate in Choice Based Lettings if legal action is being sought for possession on the grounds of anti-social behaviour. Applicants will be unable to bid pending the outcome of the possession action. If the action is successful the re-housing duty will be discharged. If unsuccessful, bidding will be reinstated.
- 8.1.11. If a homeless applicant becomes ineligible for housing (see section 1.2.3), the Council's duty will end. Applicants may be suspended from bidding (or being given a direct offer of accommodation) whilst changes affecting their eligibility status are investigated. See also section 2.1.2.
- 8.1.12. Homeless applicants over 60 years old (55 in exceptional circumstances) may be accepted for Community Supportive Housing suitable for older people (see section 10).
- 8.1.13. Homeless applicants with medical grounds for a move will be assessed to see whether they fall into a mobility category as set out in section 2.7.
- 8.1.14. All homeless households will be registered for the correct size property they are entitled to in line with the Council's bedroom standard (see section 12). For those requiring a larger property on medical grounds, the Council's Medical Advisor will provide advice on whether the person's medical condition means they are unable to share a bedroom, or in the case of a single applicant, whether they would benefit from having a separate bedroom. This advice will be considered by the appropriate Service Manager when deciding if there are sufficient medical reasons to register the household for a larger property. See 8.1.15 if an additional room is required for a carer.

- 8.1.15. In circumstances where a homeless household requires a carer an additional bedroom may be considered if a household member has been assessed by social services as requiring 24 hour care seven days a week.

9. Studio and 1-Bedroom Accommodation

9.1. Applicants eligible for a studio or 1-bedroom property

- 9.1.1. Applicants listed in section 5.9.1 (Social Services Nominations) may also be allocated a studio or 1-bedroom property and will receive points as set out in section 2.6.33.
- 9.1.2. Accommodation will be offered in line with the bedroom standard (see section 12.1.2 and 12.1.3) unless it is agreed by the relevant panel/Re-housing Manager to offer a single person a 1-bedroom property.

9.2. Pathway for Qualifying Applicants

- 9.2.1. Single applicants or couples (without children) who are assessed as having a support need may receive the following suitable types of accommodation whether as acceptance under Part VII or to prevent homelessness.
- 9.2.2. Qualifying applicants requiring studio or 1-bedroom accommodation will have their accommodation and housing-related support needs managed via a Pathway model (*Supply & Allocations Report 21st March 2011*).
- 9.2.3. Qualifying applicants will receive a housing and support needs assessment and will be offered an appropriate Pathway based on this. The full range of housing options will be considered including the private rented sector.
- 9.2.4. Qualifying applicants may be referred to suitable supported accommodation, enabling them to develop the living skills they need to manage an independent tenancy.
- 9.2.5. Qualifying applicants on the Pathway who are approved and ready for an independent social housing tenancy may be offered a studio or 1-bedroom property via the Pathway quota or by one of the quotas set out below. The size of accommodation offered will be determined by the bedroom standard.
- 9.2.6. The housing needs assessment will set out whether the applicants shall participate in Choice Based Lettings or receive a direct offer of accommodation. This decision will be based on the supply and demand for accommodation as well as the needs of the applicant and any other management reasons. Applicants will be time limited for bidding via Choice for a minimum of six weeks depending on supply. If unsuccessful during the bidding period applicants will be given one direct offer of accommodation. If the applicant refuses this offer, the Council will make no further offers and will cease providing the applicant with temporary accommodation.

9.3. Mental Health Supported Housing (MHSB) Move-On Quota

9.3.1. This quota, introduced in April 2007, is for people living in mental health supported housing provided via Westminster Council, who no longer require supported accommodation and do not fall within a Priority Group. *H.C. 27th March 2001 Supply and Allocation of Social Housing and Low Cost Home Ownership.*

9.3.2. The quota has two main purposes;

- a) To enable applicants to bid through Choice Based Lettings (CBL) and move on to independent accommodation
- b) To free up vacancies in supported schemes that the Council can offer to incoming users, who require mental health supported accommodation.

9.3.3. Hence, this quota is only available to applicants who are moving from a mental health supported bed, which will then be available for re-allocation by the Council.

9.3.4. Care Co-ordinators within Social and Community Services nominate suitable applicants for re-housing via this scheme. A panel of Authorised Officers considers these requests and decides which applicants to re-house via the MHSB Move-On Quota.

9.3.5. Where re-housing into a social housing tenancy is agreed, the panel will decide whether this should be through Choice Based Lettings or a direct offer.

9.3.6. Each financial year, the Council will re-house a quota of such applicants.

9.4. Hostel Move-On

9.4.1. Some partner agencies that work with rough sleepers but who do not have access to accommodation for 'move-on' purposes can refer applicants for general needs housing.

9.4.2. Partner agencies are decided annually and a quota of studio properties is set for them.

9.4.3. Applicants will be registered for Choice Based Lettings and will receive points as set out in section 2.6.33.

9.5. National Witness Mobility Scheme

9.5.1. The National Witness Mobility Scheme was established in 2003 and supports people who are witnesses to serious crimes to move away

from the area where the perpetrator lives, to minimise the risk of intimidation or repercussions when they give evidence in court.

- 9.5.2. Applicants will be considered on a case by case basis and agreed a direct offer of studio accommodation.

9.6. **Multi Agency Public Protection Arrangements (MAPPA)**

- 9.6.1. Occasionally for risk management purposes the Council is asked to house individuals who are subject to MAPPA after careful consideration by the Multi Agency Public Protection Panel (chaired by the police).

- 9.6.2. Requests under this priority are considered on a case by case basis and the full range of housing options will be considered.

9.7. **Domestic Violence Quota**

- 9.7.1. Single people who become homeless due to domestic abuse may not qualify for priority under the homeless legislation. The Council recognises that in some cases the lack of suitable housing options means that they return to the perpetrator where they face ongoing serious risks.

- 9.7.2. Applicants are nominated by Westminster's MARAC (Multi Agency Risk Assessment Conference) for re-housing via the Pathway.

9.8. **Young People Leaving Care**

- 9.8.1. In Westminster the needs of young people leaving the Council's care are considered by the Care Leavers Accommodation Panel made up of officers from Housing and Social Services Departments. The Panel jointly assesses the accommodation and support needs of individual care leavers. *H.C 25th March 1997 Housing Demand and Access to Rented Accommodation and Home Ownership.*

- 9.8.2. The full range of housing options will be considered, including the allocation of one direct offer of a studio or one bedroom property.

9.9. **Tenants Moving from a Studio to a 1-Bedroom Property**

- 9.9.1. Westminster secure tenants of general needs studios are eligible to move to 1-bedroom properties under this priority. This does not apply to tenants of Community Supportive Housing. *Supply & Allocations Report 21st March 2011.*

- 9.9.2. Applicants registered under this priority will be given points as set out in section 2.6.33 (table 2) and can bid for properties under Choice Based Lettings.

- 9.9.3. In order to qualify, tenants must successfully complete one year as an introductory tenant and also give access for pre-vacation inspection, viewings and sign ups, and keep their homes in good repair and decorative order.
- 9.9.4. Registered Provider tenants and private sector applicants are not eligible for this priority.
- 9.9.5. Tenants with rent arrears are excluded as set out in section 2.11.

9.10. **Veterans Nomination Quota**

- 9.10.1. This quota is for people nominated under the Veterans Nomination Scheme (VNS). Local connection criteria will not apply (see section 1.6.1 (2)) and nominated applicants must be able to live independently. Applicants may be Armed Forces personnel that are within five years of discharge or who have been medically discharged. Applicants will be given one direct offer of suitable accommodation. *Supply & Allocations Report 7th November 2017.*

9.11. **Low Income Workers Quota**

- 9.11.1. This quota is for households on a low income (£20k or less) that require a studio or 1-bedroom general needs property (see Bedroom Standard at section 12) and who do not otherwise have priority for social housing. Exclusions set out in section 1.6 of this scheme will apply. Properties will not be suitable for those with mobility issues and existing social housing tenants and lessees are not eligible for this quota. *Supply & Allocations report dated 15th December 2016.*
- 9.11.2. Registration for the scheme will be via Homeownership Westminster and successful applicants will be allocated the first available property according to the criteria outlined in 9.11.4-9.11.5. One suitable property will be offered and if this is refused no further offers will be made and applicants will be removed from the scheme.
- 9.11.3. Tenancies (Westminster Council properties only) will be limited to a maximum of three years (an introductory tenancy followed by a two year 'Flexible Tenancy for Non Priority Households'). There may be some circumstances where a further tenancy will be offered (eg the household subsequently becomes in priority need or those not able to manage a private rented tenancy (PRSO)), see also the Tenancy Policy.
- 9.11.4. In order to qualify applicants must have a paid annual income of £20k or less per household (work a minimum of 16 hours per week and 24 hours per week for couples) and be in employment for the last 12 months and have lived continuously in Westminster for the last three years (minimum).

- 9.11.5. Priority for properties will be given in the following order;
- a) Adult sons/daughters of overcrowded Council tenants currently registered for a transfer
 - b) Work location is in Westminster
 - c) Length of time living in Westminster
- 9.11.6. The onus is on the applicant to provide all relevant documents as proof of their eligibility for the quota. Only originals of official documents such as the contract of employment together with payslips, bank statements showing the salary, P60/P45 or tax returns will be accepted. Letters on headed paper from the employer will not be considered acceptable proof.
- 9.11.7. Applicants must be in employment at the point of offer of accommodation and will not be offered a property if there is insufficient proof available on the day of viewing.

10. Community Supportive Housing for Older People

10.1. Housing for people over 60 years old

- 10.1.1. In 2010 the Council reclassified it's sheltered and supported accommodation as Community Supportive Housing (*see Cabinet Member Report on Sheltered and Supported Housing in Westminster 8th February 2010 and Supply & Allocations Report 16th March 2010*).
- 10.1.2. To be eligible for Community Supportive Housing single applicants or couples must be aged 60 years old or over. Cases are assessed on an individual basis and where a frail applicant under 60 years old is applying the minimum age of 55 years old will be considered.
- 10.1.3. The Council lets Community Supportive Housing vacancies through Choice Based Lettings. Applicants registered for this type of accommodation will be shortlisted to view a property according to the points set out in section 2.6.33 (table 2) and if the points are equal the date the priority for this type of accommodation was awarded. Of those shortlisted, the applicant with the highest points or earliest registration date (if applicants have the same points), will be successful.
- 10.1.4. Single WCC Council tenants living in a 1-bedroom general needs property will be registered for a 1-bedroom property if requested See *S&A report 11th August 2015*.
- 10.1.5. A Joint Assessment Panel for Older Persons (JAPOP) was introduced in 1994 to consider all requests for re-housing from the frail elderly (*HC 27th July 1994 Supply and Allocation*). JAPOP is made up of officers from the Housing Solutions Service, Social and Community Services and Scheme Managers.
- 10.1.6. The panel determines the support needs of applicants applying for Community Supportive Housing. This includes Council and Registered Provider tenants already living in Community Supportive Housing.
- 10.1.7. Those applicants whom the JAPOP decide should receive additional high priority points based on their health, functional ability, support network, any risk to them and their present accommodation will receive 50 points in addition to their priority points.
- 10.1.8. HSS will review the applicant's circumstances if, after six months of the original JAPOP decision date, there has been no participation in the scheme. This may result in a direct offer and section 13.2.2 may apply in the event of refusal of an offer of suitable accommodation.
- 10.1.9. JAPOP also co-ordinates access to the Community Support and Outreach Scheme.
- 10.1.10. The panel will decide applications for the Community Support and Outreach Service based on the applicant's needs and suitability for the

service (*H.C 3rd April 2000 Housing Demand and Access to Rented Accommodation and Home Ownership*).

11. Staff Re-housing for Residential Staff in Emolumental Accommodation

The following is an extract from 'HR Policy on Staff Accommodation 'Pay and Benefits; Emolumental Accommodation' January 2009'.

Rights When Employment Changes or Ceases

11.1. Re-housing when employment ceases

11.1.1. In the case of employees of the Council who are provided with residential accommodation for the performance of their employment duties;

- Retirement after five years service with Westminster
- Early retirement on medical grounds
- Redundancy
- Resignation after five years service (this only applies to staff already employed in a post with emolumental accommodation, prior to 14th November 1995)
- Redeployment to a non-emolumental post (other than for disciplinary reasons)
- Transfer or promotion to a non-emolumental post after five years service (only in the case of staff already employed in a post with emolumental accommodation prior to 13th November 1995).

11.1.2. One reasonable offer of re-housing will be made, following consultation with the employee and their family and assessment of their needs.

11.1.3. This may be in Westminster's own stock or by nomination to a Registered Provider, or other landlord. The offer will be based on the properties available and upon the individual's own housing needs, assessed in accordance with the Council's Bedroom Standard set out in section 12 for all Westminster applicants.

11.1.4. Ownership of any other property which could be occupied will be taken into account, and will normally result in re-housing not being offered unless resulting hardship can be proved.

11.1.5. In all other circumstances not covered in 11.1.1, staff in emolumental accommodation leaving Council employment will be required to vacate the emolumental accommodation provided and will be assessed for re-housing in line with statutory requirements.

11.2. Re-housing when employment changes

- 11.2.1. In the case of redeployment to a non-emolumental post within the Council, (***other than for disciplinary reasons***), re-housing will be offered as for redundancy, as set out in 11.1.1.
- 11.2.2. In the case of transfer or promotion to a non-emolumental post within the Council, staff already in a post with emolumental accommodation prior to 13 November 1995 who move to another post after 5 years service will be offered re-housing in line with 11.1.1.
- 11.2.3. In all other circumstances, staff in emolumental accommodation moving to a non-emolumental post will be required to vacate the emolumental accommodation provided and will be assessed for re-housing in line with statutory requirements.
- 11.2.4. Employee tenants who wish the Council to reconsider the offer of re-housing made to them will be able to use a similar procedure to the discretionary internal review available to housing applicants. Where a reasonable offer of re-housing has been rejected by the tenant, however, without reasonable cause, no further offers are guaranteed, and dependant on the priority of their circumstances, the normal process of repossession of the property will commence, which may result in eviction.
- 11.2.5. Any offer of re-housing made to a member of staff being re-housed in line with this policy will be made as a starter tenancy under the terms of the Localism Act 2011 in line with all Council tenancies issued by the Council since September 2013.
- 11.2.6. This means that the tenancy will be granted for an initial period of 12 months, after which it will automatically become a flexible tenancy unless legal action to take possession of the property has been started. Details of the introductory tenancy scheme are available from estate offices.
- 11.2.7. After the contract of employment has ended, and pending any re-housing offer, a 'use and occupation charge' at the appropriate rate may be payable by the tenant. However, because of the danger of creating a 'secure tenancy', the advice of the Director of Legal and Administrative Services should be sought before a 'use and occupation charge' is levied.
- 11.2.8. In all cases, Council Tax will not be reimbursed after the contract of employment has ended, although Housing Benefit and/or other benefits may be applicable dependent upon personal circumstances.

11.3. **Offers of Accommodation**

- 11.3.1. Applicants accepted under the staff re-housing scheme will not be eligible to join Choice Based Lettings but will be made a direct offer of one suitable property.

11.4. **Right to Buy**

- 11.4.1. The amount of time an employee has spent in emolumental accommodation will count towards both the qualifying period and the discount any applicant would receive on Right to Buy applications (assuming they have been re-housed and become a secure tenant) or any of the Council's Home Ownership schemes.

12. Size of Accommodation Offered

12.1. Westminster Council's Bedroom Standard

- 12.1.1. The Council's bedroom standard is set out below.
- 12.1.2. A single person is entitled to a studio ie one bedsitting room, kitchen, bathroom/WC. Single WCC tenants living in a 1-bedroom general needs property and assessed as needing Community Supportive Housing will be registered for a 1-bedroom CSH if requested (*S&A report 11th August 2015*).
- 12.1.3. Couples are entitled to one bedroom and a living room, kitchen, bathroom/WC. However, couples living in a studio will not be considered to be overcrowded.
- 12.1.4. Two adult siblings of the same sex are entitled to one bedroom and separate living room, kitchen, bathroom/WC and it is expected they will use the bedroom and living room as two bed-sitting rooms.
- 12.1.5. Larger households are entitled to a living room, kitchen, bathroom/WC and each of the following will be allocated one bedroom;

Adults	An applicant or an applicant and partner
	Two siblings of the same sex where the age gap is ten years or less
	An adult who is not the partner or same-sex sibling of the applicant (although such household members may instead, at the discretion of the Council, be offered separate re-housing in a studio or in Community Supportive Housing)
	An adult who is accepted by the Council to be the carer for a person assessed as needing overnight and/or 24 hour care seven days a week and not the partner or same-sex sibling of the applicant
Children	Two children of the opposite sex under ten
	Two children of the same sex under the age of 16, or two children of the same sex where one or both is over the age of 16 and where the age gap is ten years or less
	One child (not coming into the above categories)

- 12.1.6. Households may bid for properties up to two bedrooms smaller than they are entitled to, provided this does not result in the property being statutorily overcrowded or fall within a Band A Hazard under the HHSRS.
- 12.1.7. If the property belongs to a Registered Provider the household must meet the requirements of the RP's bedroom standard.

- 12.1.8. A case management approach will be taken for households who require a 3-bedroom property or larger. Household members may be offered separate housing in smaller properties and will receive one direct offer.
- 12.1.9. Homeless households with a child under three may be offered a 1-bedroom property (*Supply and Allocations Report 20th September 2012*). This was a pilot introduced from September 2012 and will be under continual review dependent on supply.
- 12.1.10. Depending on supply, some variations to the above bedroom standard will apply for tenants moving due to housing renewal. See sections 7.7, 7.9 and 7.12 of the Policy for Tenants in Renewal Areas (August 2019).

13. Offers and Refusals of Offers

13.1. Offers

- 13.1.1. Subject to the restrictions set out below or otherwise contained in this Scheme, there is no limit to the number of properties that an applicant may bid for under Choice Based Lettings. The Choice Based Lettings information pack sets out the procedures applied in respect of applicants who bid for more than one property (see Appendix II Choice Based Lettings).
- 13.1.2. If an applicant is shortlisted for more than three properties in the same week, they will be allowed to view three and will be asked to choose which three they wish to view. They must respond promptly when asked or otherwise the Council may exercise its discretion and decide that they have lost the right to view one or more of those properties or decide on their behalf which ones they should view.
- 13.1.3. Subject to the exceptions or any other provision within the Scheme which provides otherwise, applicants may refuse the property at the viewing stage and continue to be able to bid for other properties. However, if an applicant signs a tenancy but refuses or fails to move in, they will be suspended from bidding for up to six months unless there are circumstances which cause the Director of Housing or duly delegated person in the exercise of a discretion to decide otherwise.
- 13.1.4. The number of direct offers that may be received are specified within the Scheme according to the circumstances. In all cases but only in exceptional circumstances the Director of Housing may exercise discretion to make a further offer.

13.2. Refusals of Offers

- 13.2.1. A Notice Seeking Possession (NOSP) will be served on Council tenants in circumstances where reasonable offers have been refused and such action is considered appropriate to protect the Council's interests.
- 13.2.2. Applicants who refuse the maximum number of direct offers to which they are entitled will have their housing application closed with the exception of homeless applicants who will be suspended from bidding pending the outcome of any suitability reviews (see also 5.1.10 in regards to Management Transfers). Applicants may attend the Council for a priority group re-assessment if their circumstances change. If they are placed in a priority group, their application will be effective from the date they are re-registered.
- 13.2.3. Refusal of an offer by a homeless person owed a duty under section 193 of the Housing Act 1996 can lead to a cessation of that duty. The statutory provision will apply.

- 13.2.4. Applicants requiring mobility category 1 or 2 properties (suitable for wheelchair users) will receive one direct offer only. In cases where the needs of the household as assessed by the Council's occupational therapist are so specific due for example to the adaptations required, the size or the location, that suitable properties will be rare or will need to be specially adapted, the Council will make a direct offer of suitable housing and should this be refused, their application will be closed.

14. Information and Reviews

14.1. Requesting Information and Reviews

- 14.1.1. An applicant has the right to request;
- a) Such general information as will enable him to assess how his application is likely to be treated under the scheme (including in particular whether he is likely to be regarded as a member of a group of people who are to be given preference by virtue of subsection 166A (3) of the Housing Act 1996); and
 - b) Such general information as will enable him to assess whether housing accommodation appropriate to his needs is likely to be made available to him, and if so, how long it is likely to be before such accommodation becomes available for allocation to him;
 - c) The Council to inform him of any decision about the facts of his case which is likely to be, or has been, taken into account in considering whether to allocate accommodation to him;
- 14.1.2. An applicant has the right to request a review of the following decisions;
- a) a decision as to the facts of his case as referred to in paragraph 14.1.1(c) above;
 - b) a decision under section 160ZA(9)(a) that he is ineligible for an allocation of housing accommodation as a result of his immigration status;
 - c) a decision under section 160ZA(9)(b) that he is not a qualifying person as his circumstances fall within one or more of the exclusions set out at section 1.6.1.
- 14.1.3. Reviews will be carried out so far as is reasonably practicable within eight weeks by a senior officer who did not make the initial decision.
- 14.1.4. The Council will provide information to applicants on request as to which, if any, Priority Group they are in under Choice Based Lettings; and their points and position in that group; and the estimated number of properties of the size required by the applicant expected to become available for letting during the financial year.

15. Part VII Accommodation

15.1. Legislation

- 15.1.1. The Housing Act 1996 provides that local housing authorities shall or may provide accommodation to persons who have applied for housing assistance as homeless persons or persons threatened with homelessness in the circumstances described in paragraphs 15.1.2 - 15.1.4 below.
- 15.1.2. Whilst enquiries are being made in respect of the application where the authority has reason to believe that the applicant may be homeless, eligible for assistance and have a priority need, or that the main housing duty may apply in relation to an applicant who has re-applied within two years of accepting a private rented sector offer (s.188) and, at the authority's discretion pending a review and/or pending determination of an appeal to the County Court in respect of a review decision (ss.188(3), 200(5) and 204(4)) or pursuant to an order of the Court made for the period (or part of the period) up to the hearing of the appeal (s.204A).
- 15.1.3. When a duty to secure accommodation has arisen in respect of an applicant whom the authority is satisfied is eligible for assistance and is:
- Homeless and in priority need but became homeless intentionally (s.190);
 - Homeless and in priority need and did not become homeless intentionally (s.193) or
 - Homeless and in priority need and did not become homeless intentionally but there has been a deliberate and unreasonable refusal to co-operate (s.193C); or
 - Homeless and the Council has decided to discharge the relief duty under s.189B by securing accommodation; or
 - Threatened with homelessness and the Council has decided to discharge the prevention duty under s.195 by securing accommodation
- 15.1.4. When the authority considers that the conditions are met for referral of the applicant's case to another authority and is under a duty to secure accommodation until such time as the applicant is notified of the decision whether the conditions for referral are met (ss.199A(2), 200(1)).
- 15.1.5. The accommodation to be secured must be suitable and available for occupation by the applicant together with any other person who normally resides with him as a member of his family or any other person who might reasonably be expected to reside with him.
- 15.1.6. S.I 2003 No. 3326 The Homelessness (Suitability of Accommodation) (England) (Order 2003) came into effect on 1st April 2004 and applies to applicants with family commitments. It restricts the circumstances in

which bed and breakfast accommodation can be provided as suitable accommodation.

- 15.1.7. The accommodation to be provided pursuant to those duties on a short term basis is for the purposes of this document called 'interim accommodation'. The term 'section 193 accommodation' within this document means accommodation secured pursuant to s. 193 of the Housing Act 1996 and under any other provisions of Part VII of that statute which is not interim accommodation.

15.2. **Part VII Accommodation Placement Policy – Location**

- 15.2.1. Placements for Part VII accommodation will be made in line with the 'Accommodation Placement Policy for Homeless Households' at Appendix VI. See also '*Private Rented Sector Offers Policy for Homeless Households*' at Appendix V and '*Homelessness Policies*' report to Cabinet Member for Housing dated 11th January 2017.

16. Local Lettings Schemes

16.1. Aims

16.1.1. From time to time the Council will engage in local lettings schemes.

16.1.2. The objectives of these schemes are;

- To encourage residents to develop lasting connections with the area and contribute to a sustainable community.
- To reduce overcrowding and tackle other housing needs in the local area.
- To promote the benefits of development to existing communities to encourage local resident support. *Cabinet Member Report 7th November 2017 (section 6.2).*

16.2. Principles

16.2.1. A group of properties, available for lettings at the same time, will be identified as suitable for local lettings. Usually these will be new build, Registered Provider properties located in deprived areas within the City.

16.2.2. These properties will be advertised in Choice Based Lettings. Bidding will be restricted to applicants with an established local connection to the area. The exact residential criteria and priority may vary from scheme to scheme, but will be clearly set out at the start of the process.

16.2.3. Applicants will then be shortlisted in the normal way.

16.2.4. In circumstances where a tenant is under-occupying a property they will only be offered accommodation with one additional room than they need.

16.2.5. If it is not possible to let all the available properties via local lettings, the remaining properties will be re-advertised and the residential criteria will not be applied.

16.2.6. Special needs units (ie wheelchair adapted properties) may be excluded from the local lettings scheme.

16.2.7. Several major Regeneration Schemes are currently in progress in the Borough and separate lettings policies will apply for individual schemes.

17. Westminster Community Homes (WCH)

17.1. Background

- 17.1.1. Westminster Community Homes (WCH) was set up by Westminster City Council in 2009 as an Industrial and Provident Society (now Co-operative and Community Benefit Society) which is a company with charitable aims. In December 2010 became a Registered Provider (RP).
- 17.1.2. WCH status has changed from having an independent status and subsidiary of Westminster City Council (WCC), to being wholly controlled by WCC with effect from May 2018.
- 17.1.3. WCH has a nominations agreement with the City Council to provide 100% nominations to all first lettings and all re-lets. The properties are managed by WCH team at Westminster Housing.
- 17.1.4. Assured tenants of WCH properties are able to register for a transfer on the City Council's transfer list (under the relevant priority group set out within the scheme).
- 17.1.5. The following tenancy schemes are operated by WCH with properties being advertised through Choice Based Lettings;

17.2 Assured Tenancies

- 17.2.1 These tenancies are available (2, 3 and 4-bedroom properties) to priority applicants in housing need including overcrowded households. For all practical purposes the rent, security of tenure, the rights and responsibilities under the tenancy and day to day management arrangements will be same as a normal secure Council tenancy.
- 17.2.2 However, the collection of payment for water charges differs to other Council tenancies in that it is payable by the tenant to the water company rather than collected in the total rent charge.

17.3 Assured Shorthold Tenancies (ASTs)

- 17.3.1 WCH provide Intermediate rent, these ASTs are available for working individuals/household whose total income is normally no more than £50,000. Intermediate rent provides an opportunity for renting in Westminster to be affordable where they have local ties through residency or employment and also allowing them to save for home ownership. These are let as 12 month ASTs renewable up to 5 years according to good tenancy record. To apply for these homes, households must be registered with Home Ownership Westminster, a service provided by Westminster City Council.

17.4 Shared Ownership

17.4.1 WCH has a small number of Shared Ownership units where residents own a percentage of a property from 25% and part rent/services charges. When they become available they are advertised to households who are registered with Home Ownership Westminster.

17.5 Temporary Accommodation

17.5.1 WCH have an agreement to provide a number of temporary accommodation units to assist Westminster City Council, these homes are both within Westminster and Out of Borough, predominately Essex.

17.5.2 These properties are available through those registered with Westminster City Council's Housing Solutions Service.

18. Mobility Schemes

18.1. London Mobility

18.1.1. Westminster participates in the Pan-London Mobility (PLM) scheme 'housingmoves' and accordingly up to 5% of the properties that become available to the Council for re-letting or nomination each year will be made available to transferring tenants from other boroughs under those arrangements.

18.1.2. The decision as to which of our vacancies will be put forward to the operators of PLM for applicants from other boroughs will be made by the Choice and Lettings Manager at the Housing Solutions Service and approved by the Housing Solutions Service Contract Manager. Properties over three bedrooms are not included in the scheme. Properties selected will be of standard flatted stock in the areas in which we get most supply in both the north and south of Westminster. They will be a mixture WCC stock and RP stock to which the Council has nomination rights. Houses will not be put forward as there are so few in Westminster and they are in such high demand from our own tenants.

18.1.3. As a result of our participation in PLM, existing tenants of Westminster can make transfer applications through PLM to be considered for vacancies in other London local authority areas.

18.2. National Mobility & Exchange Schemes

18.2.1. There are national mobility and exchange schemes such as Homeswapper that may be available to those who do not come within the Priority Groups listed within this scheme.

18.2.2. Due to the developments above, Westminster no longer accepts nominations from other boroughs. However, where a person has an exceptional need to relocate to Westminster, consideration will be given to agreeing a reciprocal move on a discretionary basis (see 5.3).

18.3. Right to Move Quota

18.3.1. Applicants applying under the Right to Move quota will be considered for re-housing where;

- They live outside the Greater London area and/or
- They have to travel for a minimum of 90 minutes each way (using the fastest mode of transport available) to their work place from their current home. Availability of public transport during working hours will be taken into account.
- Employment must be permanent for a minimum of 12 months.

19. Key Workers

19.1. Groups eligible for intermediate housing

- 19.1.1. The Council's current planning policy dictates that most new affordable housing should be provided as social rented accommodation or equivalent forms of affordable housing, such as Affordable Rented housing (including London Affordable Rent) that social housing applicants are eligible for. However, a proportion of new affordable housing will be for those households who do not qualify for social rented housing but who are unable to afford market housing.
- 19.1.2. This non social rented affordable housing, known as intermediate housing includes, intermediate rent (sub market rent) and low cost home ownership such as shared ownership. Eligible households whose income does not exceed £90k (subject to review annually) per annum may qualify for intermediate housing. The City Council is able to nominate priority applicants to intermediate housing schemes. The Priority groups currently give preference in the following order; to existing social tenants, MOD serving personnel, sons and daughters of overcrowded council tenants, households on the Council's housing waiting list including those in temporary accommodation, those who live and work in Westminster, followed by households with a residential connection in the City (both key worker and non key worker professions).
- 19.1.3. Key worker specific intermediate housing schemes have been discontinued in 2011/12. Any rental or low cost home ownership property previously part of the Key Worker Living Funded Scheme can no longer be restricted to key workers when the property becomes available to re-let or for sale. All households deemed eligible for intermediate housing will have the opportunity to apply.
- 19.1.4. All Westminster Key workers interested in housing opportunities specific to them and who wish to avail of intermediate housing opportunities in the City are required to register with the Home Ownership Westminster, the City's intermediate housing service. For intermediate housing opportunities in other areas of London and interest in equity loan products, key workers and other qualifying groups should register with the London wide service Homes for Londoners.

Appendix I Glossary of Terms

Affordable Housing

Subsidised low cost housing for rent or shared ownership.

Assisted Purchase Scheme (APS)

City Council tenants may qualify for a grant of up to £50,000 (depending on the size of unit released and the length of their tenancy) to purchase a property on the open market in the U.K.

Assured Shorthold Tenancy (AST)

Created under Section 20 of Housing Act 1988, an Assured Shorthold Tenancy is granted for a fixed term between 6 months and 5 years. Upon expiry of a valid Notice of Seeking Possession the Court has no discretion to allow the tenant to remain.

Asylum Seeker

Any person who has lodged an appeal for asylum but whose application has not yet been resolved (Home Office definition).

Care Manager/Care Co-ordinator

The person responsible for drawing up a care plan of services for an individual requiring assistance from Social Services

Cash Incentive Scheme (CIS)

Scheme offering financial and other assistance to encourage tenants occupying property too large for their needs to move to smaller accommodation.

Casual Void

A vacant home which has become available at "no cost" to the Council, i.e. where the Council have not had to re-house a tenant, either directly or indirectly, to create the void.

Choice Based Lettings (CBL)

A system of letting properties by which vacant properties are advertised and applicants choose those they wish to bid for or otherwise express an interest.

Code of Guidance

Issued by Communities and Local Government. Gives guidance on how a local housing authority should register applicants and allocate accommodation (under Part VI) and carry out its statutory duties and responsibilities towards the homeless (under Part VII) of the Housing Act 1996.

Community Care Act 1990

See National Health and Community Care Act 1990.

Decant

A permanent or temporary move of a tenant to allow major works/refurbishment to be carried out, or prior to demolition and redevelopment.

First Steps

London-wide service for first time homebuyers.

Flexible Tenancy

A flexible tenancy is a form of secure tenancy with a fixed term.

Former Tenant Arrears

Arrears accrued whilst living in a previous property. E.g. arrears accrued when a homeless client, now re-housed by the Council, was living in bed and breakfast accommodation.

GLA

Greater London Authority.

HACE (Housing Association Chief Executives)

A strategic group of key Registered Providers working in partnership with the City Council.

Home Connections

Westminster City Council's Choice Based Lettings scheme.

Home Finders Scheme

Scheme that provides rent deposits to assist those that are homeless or threatened with homelessness obtain private sector rented accommodation.

Home Improvement Agency

Scheme to assist vulnerable owner-occupiers and private sector tenants to remain in their existing homes.

Homeless

As defined in sub-paragraphs (a) and (b) of section 167(2) of the Housing Act 1996.

Homeless Investigation

Enquiries made by local housing authorities under Section 184 of the Housing Act 1996 if a person applies to them as homeless.

Homeswapper

Homeswapper is a self-help scheme, designed to help tenants find someone with whom to swap their home.

Hostel Move On Quota

A re-housing quota available to a number of agencies working with rough sleepers.

Hostel Reciprocals

An agreement whereby the Council nominates a vulnerable person to whom we have a statutory homelessness duty to a voluntary sector hostel for initial assessment and rehabilitation, and the hostel has the right to nominate a person for re-housing by the Council.

Housing Act 1996 - Part VII

Homelessness legislation governing the discharge of a local authority's duties and responsibilities following receipt of an application for housing assistance from a homeless person

Houses in Multiple Occupation (HMO)

Houses occupied by several households where basic facilities (e.g. bath/WC, kitchens) are shared.

Housing Health and Safety Rating System (HHSRS)

The Housing Health and Safety Rating System (HHSRS) is a system for assessing housing conditions and enforcing housing standards, including overcrowding, set out in the Housing Act 2004 Part I.

Interim Accommodation

Interim accommodation provided to persons applying for housing assistance as homeless pursuant to ss 188, 190, 200, or 204 of the Housing Act 1996

Landlord Incentive Scheme

A scheme where private landlords receive incentives to grant tenancies to those who are homeless or threatened with homelessness.

LGA

Local Government Association.

Local Authority Social Housing Grant

Capital grant paid by the Council to a Registered Social Landlord to provide part of the capital cost of producing new accommodation or improving existing units.

London Councils

Organisation representing the London boroughs. Formerly the Association of London Government (ALG).

MAPPA

Multi Agency Public Protection Arrangement. Provides the statutory framework for inter-agency co-operation in assessing and managing violent and sex offenders in England and Wales.

Mental Health Supported Housing (MHSH) Move On Quota

A re-housing quota available to people nominated by social services who are living in specialist Mental Health Supported Accommodation and who no longer require that level of support.

Mutual Exchange

A scheme which enables two tenants to swap their homes.

National Health & Community Care Act 1990

Requires local authorities and health authorities to work closely together to plan health and social care within an individual 'care package' for people according to individual need.

Net Voids

Total supply excluding tenant transfers, exchanges and reciprocals.

Permanent Property

The term 'permanent' used in this scheme refers to an allocation of social housing.

Priority Need

The groups defined as being in priority need by Section 189(1) of the Housing Act 1996.

Priority Re-housing Group

The Council has identified a number of groups of applicants who should receive priority consideration for re-housing because of their housing need (e.g. Medical grounds).

Qualifying Offer

A qualifying offer is an assured shorthold tenancy with a private landlord that has been approved and arranged by the Council. If the offer is accepted, the Council will discharge its housing duty to the applicant.

Registered Provider (RP)

Registered Providers (Housing Associations) registered with the Housing Corporation.

Right to Buy (RTB)

A scheme which enables secure Westminster Council tenants to purchase their home at a discount, the level of which depends upon the length of public sector tenancy.

S193 Accommodation

Accommodation provided to those homeless persons who applied for housing assistance and to whom the Council owes a duty to secure the provision of accommodation under s193 of the Housing Act 1996 or under any other discretionary provisions

Seaside and Country Homes Scheme (SSCH)

Transfer mobility scheme to assist tenants who have reached state retirement age to move to coastal and country dwellings.

Second Succession

Under Section 87 of the Housing Act 1985 there can only be one statutory succession. The council has a policy that allows a discretionary offer of accommodation to be made in circumstances where all the usual conditions associated with a succession have been met but where the statutory succession has already taken place.

Secure Tenancy

A tenancy that can only be brought to an end by the landlord by a court order and an order will only be granted by the court if one of the statutory grounds for possession is made out and other statutory tests are met.

Sub-Region

Housing investment is now based on a Regional and Sub-Regional policy. The City Council has been designated to work in the North Sub-Region together with Barnet, Enfield, Haringey, Islington and Camden.

Temporary Accommodation

See Interim accommodation, s193 accommodation

Temporary Accommodation Transfer Database

Database of applicants currently living in s193 accommodation that need to move to alternative s193 accommodation.

Under-Occupation

A tenant is considered to be under-occupying their home when they have more bedrooms than they need, in accordance with the Council's bedroom standard.

Unitary Development Plan

Sets out the Council's town planning policies for developing land and infrastructure over a 10-15 year period.

Vulnerable

A priority need category under Section 189(1), Part VII, Housing Act 1996 (see Priority Need).

Appendix II Choice Based Lettings

A guide to bidding for properties

When homes become available to rent we advertise them and invite priority applicants to bid for the ones they want. This is called Choice Based Lettings.

Priority housing applicants are given points according to their housing need and those with the most points have the highest priority. The number of points you have depends on your priority for housing.

Your position on the list will depend on the number of points you have and how long you have waited on the list. Older applicants registered for Community Supportive Housing bid for specific type of accommodation.

If several applicants bid for the same property, it is offered to the most suitable applicant with the highest priority that has the most points. If you have registered for Choice Based Lettings, you will have been told which priority group you are in.

Main priority groups

	List
Renewal Tenants	Tenants in Renewal Areas
Under Occupying	Cash Incentive Scheme
Pressing Housing Needs	Decants/Major Works Transfers
	Management Transfer
	Reciprocals
	Community Care Nominations
Medical	Medical Priority
Overcrowding	Council tenants overcrowded by 1 bedroom or more
	Registered Provider Quota
Homeless	Homeless
Other Priority	Mental Health Hostel Quota
	Street Homeless/Hostel Move On
	Learning Disability
	Studio to 1-bedroom tenants
	Pathway Housings
Community Supportive Housing	Accommodation for Older People

Where and when are properties advertised?

Properties are advertised online at www.westminster.gov.uk/housing

Properties are advertised every week, from Wednesday to Sunday.

What type of accommodation can I bid for?

You can bid for properties with the number of bedrooms your household qualifies for and which are suitable for you. In some circumstances you can bid for a smaller property, however, you cannot bid for a property larger than you need. You can bid for as many properties as you like, but in any one week you will only be shortlisted for your top three.

Mobility Categories

Household status	Property status
Category 1: Those who use a wheelchair all the time	Category 1: Property is fully wheelchair accessible
Category 2: Those who use a wheelchair some of the time	Category 2: Property is suitable where a member of the household uses a wheelchair outside the home but can manage in the home without one
Category 3: Those who require level access accommodation with no stairs	Category 3: No more than three stairs to access property and no internal stairs. May be lifted
Category 4: Everyone else	Category 4: All other properties

Your mobility category affects the type of property you can bid for.

Properties that are suitable for wheelchair users (mobility category 1 and 2) will not be advertised through Choice Based Lettings and applicants requiring these properties will be given a direct offer of suitable accommodation. Mobility category 3 applicants will be prioritised above mobility category 4 applicants for a mobility category 3 property.

Your mobility category	Mobility category of properties you can bid for
3	3, 4*
4	3, 4

* Properties classified as mobility category 4 are not likely to be suitable for those registered with mobility category 3. See individual adverts for further information.

When can I bid?

You can bid for a property from the Wednesday it appears on the website and in the property flyer until midnight the following Sunday. Your bid position will depend on your priority group, points and how long you've been registered and not when you placed your bid.

When can't I bid?

It is important that all priority groups have the opportunity to successfully bid for new homes. Placing restrictions on different groups at different times of the year, helps to achieve this. Restricted groups are listed on the weekly flyer. It is important that you check to see if your group is restricted from bidding. You can also check online at www.westminster.gov.uk/housing. Select Home Connections and choose 'Projections table' on the right hand side of the page.

How do I bid?

Visit www.westminster.gov.uk/housing and select Home Connections.

1. Bidding Online

Step 1: Visit www.westminster.gov.uk/housing and follow the links to 'Home Connections'. Select **Login** at the top of the page or from the left hand menu.

Step 2: Enter your six figure User ID and PIN numbers. Select **Login**.

A page will open showing your points total, registered date, bedroom size required and whether your application is 'suspended' or 'registered' for bidding. Your recent bid history will also be displayed under **My Current Bids**.

Step 3: Click on 'View properties'.

Step 4: If you want to bid for a property you have seen in the weekly property flyer enter the advert number in the 'Search by Advert' box and select the 'Search by Advert' button.

Step 5: If the property is the right size for you and your case is active, you can bid for the property by selecting the 'Click here to bid' button above the property. If you select this property your bid will be registered and you will see the property in your 'My Current Bids' section on the home page.

2. By Mobile Phone

Make sure you have your user ID, PIN number and the property advert numbers ready.

Step 1: Open a new text message on your phone.

Step 2: Leaving no spaces, enter: bid, #, your User ID number, #, your PIN number, then, for each property you are bidding for, #, followed by the advert reference number. For example, if your User ID is 987654, your PIN number 010164 and you want to bid for two properties, with the references 123456 and 555444, your message will be: bid#987654#010164#123456#555444

Step 3: Check the numbers are correct and press send on your keypad and enter the telephone number 0780 014 0739.

If you have followed steps 1 – 3 correctly, you should get a text from us within an hour telling you whether your bid is valid or not. If you have poor reception you will not get our message until you are in an area with a better signal.

3. Download the CBL App

You can bid by downloading the CBL App from the following;

Google Play:

<https://play.google.com/store/apps/details?id=com.homeconnection>

Apple AppStore:

<https://itunes.apple.com/gb/app/home-connect/id530096981?mt=8>

Help with Bidding

Contact the Housing Solutions Service for help with bidding:

Housing Solutions Service
PO Box 73471
London NW1 1LG
Tel: 020 7641 1000

Will I be invited to view a property?

We will usually invite the five bidders with the highest priority and points to view each property. If you are shortlisted for a property, we will contact you on Monday (the day after the bidding closes) to invite you to view the next day. Viewing days vary for Registered Provider (housing association) properties and you will usually be given longer notice of the viewing date. Occasionally, it may not be appropriate to consider one of the top five bidders to view a property. For example, people with a history of anti-social behaviour are not considered suitable to live in blocks of flats where older people live.

What happens after I have viewed a property?

In most cases, the property will be offered to the bidder in the highest priority group with the most points who has waited the longest. If they are no longer interested, it will be offered to the bidder in second place and so on. If a housing co-op or a tenant management organisation (TMO) manages the property, they may interview the shortlisted bidders. There is no guarantee the property will be offered to the applicant with the highest priority.

If your bid is successful we will normally expect you to move in on the Monday following the viewing. This means you may have only a few days in which to organise your move. Please be prepared for this.

Please remember

- You cannot place bids before Wednesday morning.
- Ensure your contact details are correct so that we can get in touch with you quickly.
- The weekly flyer will have updated information on who can or cannot bid. You will be restricted from bidding if your re-housing list has been met.
- If you are a tenant or homeless household and have rent or service charge arrears you will be unable to bid.
- There is no guarantee that you will be offered a TMO property if you are the highest priority applicant.
- There are no penalties for refusing a property after viewing, but if you sign for a property and then change your mind, you will not be able to bid for another property for six months.
- Registered Providers (Housing Associations) may limit the size of households they accept for some of their properties.
- You can view the results of previous month's bidding on the Home Connections website.
- Please keep your user ID and PIN number in a safe place.
- Westminster City Council retains the right to make direct offers to some households in exceptional circumstances and to those on waiting lists not included in the Choice Based Lettings Scheme.
- Once you have been given your ID and PIN numbers it is likely to be some time before you are successful in bidding for a home through Choice Based Lettings. You may want to consider other housing options. Contact the Housing Solutions Service and/or your local estate office for further information on the options available to you.

Contact Housing Solutions Service

Address: PO Box 73471, London, NW1 1LG

Telephone: 020 7641 1000

Email: hsscuserservices@wccchss.org.uk

CBL website: www.westminster.gov.uk/how-bid-social-housing

Appendix III HHSRS (Crowding and Space Guidance)

Introduction

The purpose of this Guidance is to provide officers with additional advice in order to interpret the Operating Guidance for the Crowding and Space hazard. This will provide a basis for consistent and fair assessments of overcrowding which are capable of being defended if challenged

Practitioners should have regard to it when exercising their powers but are reminded that they must be flexible in forming their opinions in light of all the circumstances of a particular case. The guidance is not prescriptive and discretion in the matters covered remains with practitioners.

Living rooms and Recreational space

Paragraph 11.17 states that “as well as providing sufficient sleeping space, there should be a living area of sufficient size for the household. Indoor and outdoor play and recreational space is necessary in accommodation housing children”.

For the purposes of the hazard assessment it will be expected that all accommodation is provided with a separate living room which is not used for sleeping purposes.

Most flats do not have sufficient room for recreational space and the “Likelihood Spreadsheet” attached to this Guidance reflects this. If the flat (or house) has this facility the likelihood should be adjusted accordingly.

Number of Bedrooms

The number of bedrooms will determine the number of persons for which the accommodation is suitable.

Paragraph 11.16 of the Operating Guidance states “There should be sufficient provision for sleeping having regard to the numbers likely to be accommodated in the dwelling. As a guide, and depending on the sex of the household members & their relationship, and the size of the rooms, a dwelling containing one bedroom is suitable for up to 2 persons, irrespective of age. A dwelling containing 2 bedrooms is suitable for up to 4 persons. One containing 3 bedrooms is suitable for up to 6 persons, and one containing 4 bedrooms is suitable for up to 7 persons.”

The above paragraph is interpreted in Table 1 below:

Table 1

Number of Bedrooms	Max. No. of Persons
1 bedroom	2 persons
2 bedrooms	4 persons
3 bedrooms	6 persons
4 bedrooms	7 persons

Uninhabitable rooms intended for use as bedrooms should not be allowed to contribute towards the overall permitted number of the dwelling. Examples of such rooms might include poorly converted attic or basement spaces without adequate lighting or ventilation, bedrooms entered via a second bedroom.

Kitchens and living rooms are not “bedrooms” for the purposes of the standard. The presumption should always be that, where the dwelling has been designed with a separate identifiable living space, this space should be retained as living space and not be counted as a bedroom. The **intended** function of the room should be considered rather than the current use, although, for example, in the case of a dwelling that has two separate reasonably sized “living” rooms, it may be that one of these spaces could legitimately be used as bedroom accommodation. If the intended function is clearly unknown, then consider the current use.

Numbers of Persons permitted to occupy a bedroom

The person’s age and sex will determine if they can share a bedroom. The “Operating Guidance” is silent on this but Table 1 is part of the Bedroom standard. This standard sets out, depending on the size of the bedroom, the number of bedrooms that will be required for each household depending on the age, sex, marital status and relationship.

This standard was developed by Government social survey activity in the 1960’s and incorporates assumption about sharing of bedrooms “that would now be widely considered to be at the margins of acceptability” – ODPM 2004.

The standard is based on the number of bedrooms required for each household allowing for age/sex/marital status/composition & relationship. This is set out in Table 2

Table 2

Age and sex of household members	Number of bedrooms
An adult couple	1 bedroom
A person over 21	1 bedroom
2 young persons 10-20 years of the same sex	1 bedroom
1 child under 10 yrs & 1 young person under 20 of the same sex	1 bedroom
1 or 2 children under 10 yrs (not necessarily of same sex)	1 bedroom
Any unpaired young persons 10–20 yrs or unpaired children under 10	1 bedroom

Note: An unpaired young person aged 10-20 cannot share a room with a child of the opposite sex who is under the age of 10.

Using the bedroom standard alone, it was estimated that there were approximately 500,000 households living in overcrowded conditions, mainly larger families of 5+ individuals (e.g. EHCS 1991).

Size of Bedrooms

The application of the bedroom standard provides a crude indication of the number of bedrooms that an occupying family would require. However, the actual “permitted number” of persons for a dwelling is also be determined by the size(s) of the bedroom(s) present.

Paragraph 11.16 of the Operating Guidance states that room sizes need to be taken into account. Further one of the ODPM worked examples infers that the dwelling in that example has one double room and one single room, but no minimum room sizes are reproduced.

In this regard, the HHSRS Operating Guidance also refers readers, in paragraph 11.19, to the “Housing Quality Indicator System” and the “Metric Handbook – Planning Design Data”.

Housing Quality Indicators (version 3) 2005 is a measurement & assessment tool for new social housing schemes (ODPM /Housing Corporation), together with Scheme Development Standards (3rd edition 2003) appear to use the “Bedroom Std” as a baseline. Note essential criteria – “in all bedrooms, beds need to be able to be accommodated in more than one position and all double bedrooms must accommodate twin beds & a cot”. However, although these documents include useful general design criteria, no prescriptive minimum sizes are given.

Although the HQI guidance does not contain prescriptive room space standards, it does include information regarding the expected amenities/fittings and furniture that different rooms in a dwelling would be expected to accommodate, together with minimum activity spaces around this equipment to facilitate safe and proper use by residents. Bedrooms are expected to be large enough to accommodate the equipment detailed in the table 3 below, according to HQI guidance.

Table 3

	Single bedroom	Double bedroom	Twin bedroom
Bed(s) Double – 2000 x 1500 Single – 2000 x 900	1 x single	1 x double or 2 x single	2 x single
Bedside table – 400 x 400	1	2	2
Chest of drawers – 450 x 750	1	1	1
Wardrobe(s) Double – 600 x 1200 Single – 600 x 600	1 x single	1 x double	1 x double or 2 x single
Table – 500 x 1050 and chair/stool	1	1	1
Bed-making space – 400 x length of bed(s)	yes	yes	yes
Space for occasional use of cot – 600 x 1200	no	yes, in larger “family” dwellings	no

The matrix in the HQI annex suggests that a room of 9 square metres would not be large enough to function as a double room with occasional use of a cot, but that a room of 10.5 square metres would be able to meet this requirement.

The HQI guidance also suggests that a bedroom might be large enough to function as a “triple” room or “other” room (presumably “other” means a number greater than three persons). However, the determination of a room as a triple bedroom (or greater) in accordance with HQI guidelines would conflict with the bedroom standard, which allows occupation of any bedroom by a maximum of two persons, irrespective of age.

Table 4 interprets the HQI guidance in order that a minimum space standard is applied for bedrooms. Flexibility will need to be applied particularly in respect of the useable space in each bedroom.

It is conceded that the size of the double bedroom is likely to be the most contentious but an attempt has been made to provide a minimum size, having regard to the HQI guidance, that is large enough to accommodate the furniture and circulation space that one would expect to find present

Table 4

Room size (sq. m)	Smallest measured room width or depth (metres)	Permitted number of persons
Less than 6.5	n/a	0
Not less than 6.5	Not less than 1.8	1
Not less than 9.5	Not less than 2.4	2

This standard is to be used in conjunction with the bedroom standard as set out in Table 1. In circumstances where the bedroom standard and space standard in Table 4 produce different indicative permitted occupancy levels of an occupied dwelling (when applied individually), the lower figure should be used to determine the extent of any overcrowding present.

The standard is to be applied irrespective of the age of the occupiers.

In no case shall a bedroom be occupied by more than 2 persons. (The possibility of using a large bedroom, greater than 13.5 square metres in area, to accommodate three children under the age of 10, could be considered as a mitigating factor and have the effect of slightly reducing the HHSRS likelihood in respect of an overcrowded dwelling. However, the likely health and developmental effects associated with three or more persons occupying the same bedroom space means that this should not be regarded as an acceptable long term solution to overcrowding problems)

Measurement of Rooms

Rooms should have a minimum floor to ceiling height of at least 2.14 metres over not less than 75% of the room area. Any floor area where the ceiling height is less than 1.53 metres should be disregarded.

In addition to measuring the gross floor areas of rooms, officers must also consider the shape and usable space to determine whether rooms are suitable to be used as bedrooms and to what occupancy level. In this regard, officers should not include floor space that does not contribute practically to the spaciousness of a given bedroom and/or would severely compromise the use of

the bedroom by the numbers of persons suggested by gross floor area alone. Examples of some likely scenarios are given below: -

- The floor area taken up by a solid chimney breast should be discounted
- Account should be taken of entrance lobbies/corridors within bedrooms. Where the room door opens into a lobby/corridor that is less than 1.2 metres wide, the entire lobby/corridor should be discounted. Where the lobby/corridor is between 1.2 and 1.8 metres, some of the area may be counted (this reflects the fact that wider corridors are able to make a contribution to the storage capacity and spaciousness of bedrooms. The allowable area is calculated by deducting 1.2 metres from the width and multiplying this by the length of the corridor. For example, if a corridor into a room is 1.5 metres wide by 2.5 metres deep, the useable area of the corridor would be $(1.5 - 1.2) \times 2.5$ metres. No deduction should be made where doors open into corridors/lobbies of more than 1.8 metres width.
- The area taken up by en-suite amenities should be discounted when assessing the floor area of the relevant bedroom
- Officers should take account of particularly unusual room shapes (such as wedge-shaped or triangular) or other physical characteristics (such as excessive numbers of door openings, piers/projections into rooms) when determining the permitted number of persons for a bedroom. Bays that make a positive contribution to the amount of useable floor space within a bedroom should be included in the calculation

Assessment procedure for Overcrowding under the HHSRS

The assessment procedure for overcrowding is as follows:

1. The maximum permitted number of persons who could occupy the dwelling is calculated based upon number of bedrooms present and room sizes etc
2. A comparison is then made between the actual needs of the occupying household, with reference to the number and size of available bedrooms. The “best fit” approach should be used in order to determine the shortfall, expressed in terms of the number of additional single and/or double rooms that would need to be present to accommodate the occupying household.
3. The greater the level of overcrowding (expressed either in terms of the excess number of persons in occupation or the shortfall in terms of additional bedrooms required), the greater the likelihood of a hazardous occurrence resulting in harm
4. Factors such as the adequacy of living space within the dwelling and the presence and adequacy of external recreation space would not impact

upon the basic overcrowding assessment, based as it is upon the number and size of bedrooms. However, the availability of adequate living space and/or adequate external recreation space for a given dwelling is likely to result in a lower likelihood compared with a second dwelling that does not.

The table attached to this document provides guidance to officers on the likelihood of a harm outcome in relation to the Crowding and Space hazard. In most circumstances the average harm outcomes noted in the Operating Guidance will be used.

Dwelling Size	Bedroom Shortfall Compared with Occupying Household									
	1 single (1)	1 double (2)	2 singles (2)	1 single + 1 double (3)	3 singles (3)	2 doubles (4)	2 singles + 1 double (4)	4 singles (4)	1 single + 2 doubles (5)	3 singles + 1 double (5)
1 person 1 bedroom	1 in 56	1 in 32	1 in 18	1 in 10	1 in 10	1 in 6	1 in 6	1 in 6	1 in 3	1 in 3
2 persons 1 bedroom	1 in 100	1 in 56	1 in 32	1 in 18	1 in 18	1 in 10	1 in 10	1 in 10	1 in 6	1 in 6
2 persons 2 bedrooms	1 in 100	1 in 56	1 in 32	1 in 18	1 in 18	1 in 10	1 in 10	1 in 10	1 in 6	1 in 6
3 persons 2 bedrooms	1 in 180	1 in 100	1 in 56	1 in 32	1 in 32	1 in 18	1 in 18	1 in 18	1 in 10	1 in 10
3 persons 3 bedrooms	1 in 180	1 in 100	1 in 56	1 in 32	1 in 32	1 in 18	1 in 18	1 in 18	1 in 10	1 in 10
4 persons 2 bedrooms	1 in 180	1 in 100	1 in 100	1 in 56	1 in 32	1 in 18	1 in 18	1 in 18	1 in 10	1 in 10
4 persons 3 bedrooms	1 in 320	1 in 180	1 in 100	1 in 56	1 in 56	1 in 18	1 in 18	1 in 18	1 in 10	1 in 10
4 persons 4 bedrooms	1 in 320	1 in 180	1 in 100	1 in 56	1 in 56	1 in 32	1 in 32	1 in 32	1 in 18	1 in 18
5 persons 3 bedrooms	1 in 320	1 in 180	1 in 180	1 in 100	1 in 56	1 in 32	1 in 32	1 in 32	1 in 18	1 in 18
5 persons 4 bedrooms	1 in 560	1 in 320	1 in 180	1 in 100	1 in 56	1 in 32	1 in 32	1 in 32	1 in 18	1 in 18
5 persons 5 bedrooms	1 in 560	1 in 320	1 in 180	1 in 100	1 in 100	1 in 56	1 in 56	1 in 32	1 in 18	1 in 18
6 persons 3 bedrooms	1 in 560	1 in 320	1 in 180	1 in 100	1 in 100	1 in 56	1 in 56	1 in 32	1 in 18	1 in 18
6 persons 4 bedrooms	1 in 560	1 in 560	1 in 320	1 in 180	1 in 100	1 in 56	1 in 56	1 in 56	1 in 32	1 in 32
6 persons 5 bedrooms	1 in 1000	1 in 560	1 in 320	1 in 180	1 in 100	1 in 56	1 in 56	1 in 56	1 in 32	1 in 32
7 persons 4 bedrooms	1 in 1000	1 in 560	1 in 320	1 in 180	1 in 180	1 in 100	1 in 56	1 in 56	1 in 32	1 in 32
7 persons 5 bedrooms	1 in 1800	1 in 1000	1 in 560	1 in 180	1 in 180	1 in 100	1 in 100	1 in 100	1 in 56	1 in 56
7 persons 6 bedrooms	1 in 1800	1 in 1000	1 in 560	1 in 180	1 in 180	1 in 100	1 in 100	1 in 100	1 in 56	1 in 56
8 persons 5 bedrooms	1 in 1800	1 in 1000	1 in 560	1 in 320	1 in 320	1 in 180	1 in 180	1 in 100	1 in 100	1 in 56
8 persons 6 bedrooms	1 in 1800	1 in 1000	1 in 560	1 in 320	1 in 320	1 in 180	1 in 180	1 in 180	1 in 100	1 in 100
9 persons 5 bedrooms	1 in 1800	1 in 1000	1 in 560	1 in 320	1 in 320	1 in 180	1 in 180	1 in 180	1 in 100	1 in 100

This Table has been designed for use in flats with a separate living room that is adequately sized for the household for which it was designed. It should be only be used to give an indication of the likelihood having considered all the properties of the flat and relevant circumstances of the occupation. An adjustment should be made if additional space such as a separate dining room or recreation/play space such as a garden **or** if it is a **house** with those facilities

To use the Table first select the actual Dwelling Size in Column A. For example the Dwelling Size of a flat with a large and a small bedroom would be 3 persons 2 bedrooms. This capacity is then compared with the actual size of the household. To do this all the bedrooms in the flat are filled to the capacity for which they were designed. **Then if there are any members of the household remaining the number and size of bedrooms are calculated and this is termed the bedroom shortfall.** For example: A family consisting of an adult couple and their three children under ten in a flat consisting of a living room and 1 double and 1 single bedroom. Firstly the dwelling size is calculated from the "Bedroom Standard" which is 3 persons 2 bedrooms. Secondly the shortfall is calculated - the double bedroom could be occupied by the adult couple and the single bedroom by one of the children. This would mean that two of the children would require to be accommodated which means that the shortfall would be one double (twin) bedroom as the two children under ten could share it. (Reference to the Table gives a likelihood of 1:100)

The dwelling size alternatives have been limited to the recommendations set out in the "Operational Guidance". Therefore even though a 4 double bedroomed flat can be occupied by 8 persons the Guidance limits it to 7.

Yellow shading indicates a Category 1 hazard when the likelihood has been used in the formula with the average harm outcomes (Likelihood of 1 in 100 becomes a Category 1 hazard and 1 in 180 a Category 2 hazard)

Appendix IV Housing Act 1985 (excerpt)

Part X - Definition of Overcrowding

324 A dwelling is overcrowded for the purposes of this Part when the number of persons sleeping in the dwelling is such as to contravene **Definition of overcrowding**

- (a) the standard specified in section 325 (the room standard), or
- (b) the standard specified in section 326 (the space standard).

325 (1) **The room standard** is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of opposite sexes who are not living together as husband and wife must sleep in the same room. **The room standard**

(2) For this purpose –

(a) children under the age of ten shall be left out of account, and

(b) a room is available as sleeping accommodation if it is of a type normally used in the locality as a bedroom or as a living room.

326 (1) **The space standard** is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation. **The space standard**

(2) For this purpose -

(a) no account shall be taken of a child under the age of one and a child aged one or over but under ten shall be reckoned as one-half of a unit, and

(b) a room is available as sleeping accommodation if it is of a type normally used in the locality either as a living room or as a bedroom.

(3) The permitted number of persons in relation to a dwelling is whichever is the less of -

(a) the number specified in Table I in relation to the number of rooms in the dwelling available as sleeping accommodation, and

(b) the aggregate for all such rooms in the dwelling of the numbers specified in column 2 of Table II in relation to each room of the floor area specified in column 1.

No account shall be taken for the purposes of either Table of a room having a floor area of less than 50 square feet.

TABLE I	
Number of rooms	Number of persons
1	2
2	3
3	5
4	7½
5 or more	2 for each room

TABLE II	
Floor area of room	Number of persons
110 sq. ft. or more	2
90 sq. ft. or more but less than 110 sq. ft.	1½
70 sq. ft. or more but less than 90 sq. ft.	1
50 sq. ft. or more but less than 70 sq. ft.	½

- (4) The Secretary of State may by regulations prescribe the manner in which the floor area of a room is to be ascertained for the purposes of this section. In addition, the regulations may provide for the exclusion from computation, or the bringing into computation at a reduced figure, of floor space in a part of the room that is of less than a specified height not exceeding eight feet.
- (5) Regulations under subsection (4) shall be made by statutory instrument that shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) A certificate of the local housing authority stating the number and floor areas of the rooms in a dwelling, and that the floor areas have been ascertained in the prescribed manner, is prima facie evidence for the purposes of legal proceedings of the facts stated in it.

Appendix V

Private Rented Sector Offers Policy for Homeless Households

Section 1: Introduction

- 1.1 The Localism Act 2011 (sections 148 and 149) introduced provisions which enable the council to bring its statutory housing duty under section 193 of the Housing Act 1996 to an end, by making an offer of a private rented sector tenancy rather than a social housing tenancy. This policy sets out the basis on which the council will use this power.
- 1.2 The policy should be read in conjunction with;
- The Accommodation Placement Policy for Homeless Households – this sets out how homeless households will be prioritised for private rented sector properties in different locations
 - The Accommodation Procurement Policy for Homeless Households – this sets the council’s approach to procuring private rented sector properties including those for private rented sector offers (‘PRSO’s’)
- 1.3 This policy replaces the Council’s approach to private rented sector offers previously set out in the Supply and Allocation of Social Housing Reports.

Section 2: Who Private Rented Sector Offers (PRSO’s) will be made to

- 2.1 The Council’s policy is that a PRSO may be made to any homeless household where the law allows it. At the time of writing this means any household that applied to the council as homelessness on or after 9th November 2012 could be made a PRSO.
- 2.2 The number of households that will be made a PRSO each year will depend on the supply of suitable private rented sector properties. Annual targets for PRSOs will be set out in the council’s annual Supply and Allocation of Social Housing Report, which is subject to agreement by the Cabinet Member responsible for Housing.
- 2.3 The following groups will ordinarily be excluded from PRSO’s;
- a. Households eligible for Community Supportive Housing (sometimes known as sheltered housing)¹ - as it is unlikely that this type of housing can be provided in the private rented sector.

¹ These are generally people aged 60 or older but some young people may be eligible

- b. Households that need wheelchair adapted properties – as these can be hard to procure in the private rented sector.
 - c. Any household which the council determines would be unable to manage a private rented sector tenancy.
- 2.4 Exceptions may also be made for other households in respect of whom there is a compelling reason why a PRSO would not be appropriate. A decision will be taken after a consideration of each household's individual circumstances.
- 2.5 The following **general principles** will apply when making private rented sector offers;
- **One suitable offer will be made.**
 - **Support to move may be offered.** In the main this will focus on households that are relocating from London and will be tailored to the individual needs of each household and may include help to: transfer any care and support packages, access to employment support, enrol children in schools, register with a GP and to access other local services. Support to other households that are not moving outside London may also be offered in some circumstances and the need for it will be assessed on a case by case basis.

Section 3: Reviewing and monitoring the policy

- 3.1 The impacts of this policy will be monitored and reported on annually as part of the Supply and Allocations report approved by the Cabinet Member with responsibility for housing each year. The policy will be reviewed after it has been in operation for twelve months and the outcome will be reported to the Cabinet Member.

Appendix VI

Accommodation Placement Policy for Homeless Households (Updated September 2019)

Section 1: Introduction

- 1.1 This Accommodation Placement Policy sets out Westminster City Council's policy for prioritising homeless households for temporary accommodation and private rented sector offers according to its location. This policy does not apply to offers of long-term accommodation under Part VI of the Act.
- 1.2 It covers temporary accommodation for households who are accepted as homeless under Section 193 of the Housing Act 1996 and private rented sector offers (PRSOs) to discharge the main housing duty under provisions enacted by the Localism Act 2011.
- 1.3 This policy does not cover interim temporary accommodation for homeless households where this is required under section 188 of the Housing Act 1996 while inquiries are carried out.

Section 2: Key Principles

- 2.1 In accordance with legislation and statutory guidance, the council seeks to accommodate homeless households in Westminster as far as reasonably practicable. However, as there is a serious shortfall of accommodation in borough to meet housing need, it will not be reasonably practicable to provide accommodation within Westminster to every household and there will be an increasing need to use accommodation that may be at some distance from the borough.
- 2.2 Because of the limited supply of accommodation in both Band 1 and Band 2 (defined below), accommodation within these bands will be allocated to homeless households with a compelling need for it.
- 2.3 This policy is intended to ensure that we prioritise those who have the greatest need to be in or close to a particular location.
- 2.4 In addition, the council assesses the suitability of every offer of accommodation that is made to individual homeless households, in line with legal requirements, including legislation and regulation, associated case law and statutory guidance.
- 2.5 Where there is a particular reason why the household should not be housed in an area (for example, due to a risk of violence), this will be taken into account when assessing suitability.

- 2.6 The council will support people to relocate outside London (Band 3 as defined below), and support will be tailored to the needs of the individual household. Support may be offered to other households moving to properties in other bands if it is needed.

Section 3: Monitoring and Review

- 3.1 The impacts of this policy will be monitored and reported on annually as part of the Supply and Allocations report approved by the Cabinet Member with responsibility for housing each year. The policy will be reviewed after it has been in operation for twelve months (and annually thereafter) and the outcome will be reported to the Cabinet Member for Housing.

Section 4: Accommodation Bands and Priority Categories

Accommodation Bands

- 4.1 All properties provided for use as s.193 temporary accommodation or private rented sector offers are banded in the following areas;
- **Band 1: Westminster and the Local Area**
 - Within Westminster; or
 - Within an adjacent borough to Westminster City Council (Kensington & Chelsea, Camden, City of London, Brent, Wandsworth or Lambeth)
 - **Band 2: Greater London** (within a London Borough)
 - **Band 3: Other Areas Beyond Band 2**

Priority Categories

- 4.2 The priority categories stated in the table below are a guide to placements and how suitable properties in Band 1 and Band 2 should be prioritised. Individual decisions about placements will also take account of the availability of suitable property in the bands. Any special circumstances demonstrating a compelling need for accommodation within either of these bands will also be considered.
- 4.3 Band 1 covers Westminster and adjoining boroughs, however some households within Band 1 who have a compelling need to remain in Westminster will be prioritised for properties in borough. This will be assessed on a case by case basis having regard to whether the reasons for awarding Band 1 priority demonstrate a compelling need to remain in Westminster.
- 4.4 Where a household is awarded Band 2 priority, the council has the discretion to offer accommodation outside Greater London where this is within a

reasonable commuting distance of the school, college or workplace (as applicable).

- 4.5 Priority banding is not a guarantee of placement within the relevant area and is subject to suitable accommodation being available.
- 4.6 Households will be required to provide documentary evidence that they fall within a priority category. The Council's Medical Adviser may also need to assess the applicants' circumstances, where appropriate.

Accommodation Band	Priority Category
<p>Band 1</p> <ul style="list-style-type: none"> • Within Westminster; or • Within an adjacent borough to Westminster City Council (Kensington & Chelsea, Camden, City of London, Brent; Wandsworth or Lambeth) 	<ul style="list-style-type: none"> • Households where at least one member has a severe health condition or disability (including a severe mental health condition) that is long-term and requires intensive and specialised medical treatment/ aftercare that is either (a) only available in Westminster or (b) where a transfer of care would create serious risk to their safety or the sustainability of the treatment or care • Households where at least one member is receiving support through a commissioned care package or package of health care options provided in Westminster, where a transfer of care would create serious risk to their safety or the sustainability of the care • Households where at least one of the children has a Statement of Special Educational Needs or an Education, Health and Care Plan, is receiving education or educational support in Westminster and where it is demonstrated that a placement elsewhere would be seriously detrimental to their well-being • Households with a child where Family Services has demonstrated serious concerns about the child and is working with them intensively • Households whose circumstances come under one of the council's protocol arrangements between Housing and Family or Adult's services or where there is a recommendation through a joint assessment with Adult's or Family services • Households which include a registered Westminster City Council approved foster carer who is fostering a Westminster looked after child • Households which (a) include a Westminster City Council approved person who is caring for a Westminster looked after child, (b) include a Westminster child that is subject to a Westminster Special Guardianship Order or (c) have a private fostering arrangement with a carer resident in Westminster where they have notified the council • Households where at least one person can demonstrate that (a) they have a longstanding arrangement (or if the arrangement has started more recently, that it is likely to be longstanding) to provide high levels of care and support to another person in Westminster who is not part of the resident household and the cared for person would be likely to require statutory health and social support if the care ceased and (b) that they would be unable to commute to fulfil their caring duties • Households where at least one person can demonstrate that (a) they have a longstanding arrangement (or if the arrangement has started more recently, that it is likely to be longstanding) to receive high levels of long term care from another person in Westminster who is not part of the resident household and would be likely to require statutory health and social support if the care ceased and (b) that the carer would be unable to commute to fulfil their caring duties
<p>Band 2</p> <ul style="list-style-type: none"> • Greater London 	<ul style="list-style-type: none"> • Households with at least one child in their final year of Key Stage 4 (generally Year 11) or in Key Stage 5 (A levels or equivalent Level 3 vocational courses, such as BTECs, or GCSE re-sits in English and Maths) at a school or further education college in London • Where the applicant or their partner is accepted by the council as being in employment and has been working continuously for a period of at least six months in Westminster/ a Band 1 borough under a written contract of employment (permanent or temporary) which requires at least 16 hours a week. Parents who are on parental leave but who intend to return to work will also be considered under the criterion • Households already living in temporary accommodation that are required to move due to housing renewal as set out in the Policy for Tenants in Housing Renewal Areas
<p>Band 3</p> <ul style="list-style-type: none"> • Other locations beyond Band 2 	<ul style="list-style-type: none"> • All other homeless households may be offered accommodation beyond Band 2

Section 5: Support for employment within Greater London

- 5.1 Where an applicant or their partner is accepted by the council as being in employment in the rest of Greater London and has been so working continuously for a period of at least six months under a written contract of employment (permanent or temporary) which requires at least 16 hours a week, the council will aim to place them within a reasonable commuting distance to their place of work, where possible. This includes parents who are on parental leave but who intend to return to work.