



## Cambridge City Council

### **LETTINGS POLICY DOCUMENT**

This document sets out how Cambridge City Council will let its property through the “Cambridge Sub Regional Choice Based Lettings Scheme” Which is detailed in the Framework Document, which precedes this document.

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## Chapter 1

### 1.1 Introduction

1.1.1 This is the letting policy for Cambridge City Council, (“CCC”) and should be considered in conjunction with the Cambridge Sub-regional Choice Based Lettings scheme (“CBL”), framework document, which outlines how the CBL scheme will work. The Partnership Organisations (“PO’s”) to the Sub-regional CBL scheme are:

- Cambridge City Council
- East Cambridgeshire District Council
- Fenland District Council
- Forest Heath District Council
- Huntingdonshire District Council
- South Cambridgeshire District Council
- St Edmundsbury Borough Council

1.1.2 The CBL scheme and this lettings policy have been designed in collaboration with the sub regional POs listed above, with the aim of having as much consistency in the letting of social housing as is possible in a very diverse sub-region. The lettings policy aims to ensure that all people seeking social housing in Cambridge are able to exercise choice in deciding where they wish to live and in the type of property they would prefer.

1.1.3 The policy enables CCC to consider the individual needs of its applicants whilst making best use of the scarce resource of housing stock. The policy sets out:

- How to apply for housing
- Who is eligible to be accepted onto the housing register
- Who is not eligible to be accepted onto the housing register
- How priority for housing applicants will be given
- What the decision making processes are
- How homes will be let

1.1.4 The CBL framework document and this lettings policy, may be viewed at [www.Cambridge.gov.uk](http://www.Cambridge.gov.uk) or request a copy from any of the PO’s offices. (See appendix 1)

### 1.2 Objectives of the lettings policy

- To meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) as amended by the Homelessness Act (2002)
- To assist applicants in the highest assessed need
- To let properties in a fair and transparent way and provide a consistent lettings process
- To make best use of housing stock
- To ensure that applicants are not discriminated against, whether directly or indirectly
- To support vulnerable applicants

- To provide increased choice and information to applicants
- To provide information and feedback on homes that are let through the CBL scheme
- To improve mobility across the sub-region
- To promote social inclusion and help achieve sustainable communities

### **1.3 Statement on choice**

- 1.3.1 CCC is fully committed to enabling applicants to play a more active role in choosing where they live, whilst continuing to house those in the greatest need in Cambridge.
- 1.3.2 The CBL scheme will enable applicants from Cambridge to have access to a percentage of available homes from all the PO's across the sub region.

### **1.4 Legal context**

- 1.4.1 All applicants for housing will be placed in the appropriate housing needs band, based on an assessment of their household's needs. This is to ensure that CCC let homes to those in the highest assessed need and to ensure that the Council meets its legal obligations as set out in the Housing Act (1996) as amended by Homelessness Act (2002).
- 1.4.2 The law states that there are five groups of applicants where reasonable preference must be considered:
- People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002.)
  - People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
  - People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
  - People who need to move on medical or welfare grounds (including grounds relating to a disability); and
  - People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)
- 1.4.3 The Lettings Policy has been designed to ensure applicants who fall into the above reasonable preference categories will be awarded reasonable preference.
- 1.4.4 Every application received by CCC will be considered according to the facts unique to that application as CCC recognises that every applicant's situation is different. Applications will be considered on an individual basis and individual circumstances will be taken into account. However, all lettings will be made in accordance with this lettings policy

## **1.5 Equal opportunities and diversity**

1.5.1 CCC through this lettings policy will endeavour to be responsive, accessible and sensitive to the needs of all applicants. CCC will not tolerate prejudice and discrimination and we will actively promote equality.

## **1.6 Monitoring and reviewing the lettings policy**

1.6.1 CCC will monitor the operation of the lettings policy by:

- Regularly reviewing the policy to ensure that the policy meets its stated objectives and complies with legislative changes.

## Chapter 2

### 2. Applying for housing

#### 2.1 How to apply for housing

2.1.1 Anyone can apply to CCC for housing. However, not everyone will be eligible for housing. CCC will not register people who are not eligible to be housed. Evidence of eligibility may be required to complete registration. (See chapter 3) Applicants are advised that due to a high demand for available housing in CCC, not everyone who is eligible to be housed is guaranteed housing from the register.

2.1.2 To apply to go on the housing register, applicants are required to complete and sign a housing application form. The form can be obtained from any sub-regional POs office, or via the following Internet address: [www.Cambridge.gov.uk](http://www.Cambridge.gov.uk). The form can be returned to Cambridge City Council at Hobson House, 44 St Andrews Street, Cambridge, CB2 3AS or any of the POs offices as detailed in appendix 1.

2.1.3 An applicant may include anyone on their application form that may reasonably be expected to live with them as part of their household.

2.1.4 Where more than one eligible applicant wishes to have a shared application they will be known as joint applicants.

2.1.5 On receipt of the application form CCC will assess the form and may request additional information and supporting evidence so that the applicant's eligibility and housing need can be confirmed. CCC will verify the information provided which may include inviting the applicant for an interview.

2.1.6 After assessment CCC will write to applicants to inform them:

- Whether the applicant is eligible for housing and if so:
- Their unique reference number, which allows them to bid for homes through the CBL Scheme
- The Housing Needs Band in which the application has been placed
- The date that the application was placed in the band (the "date in band")
- The size of property for which the applicant is likely to be able to bid
- How decisions may be reviewed

#### 2.2 Date of registration

2.2.1 The registration date of an application form will be the date the housing application form is received at the office of CCC, or any of the POs. All relevant documentation should be provided within 28 days of initial contact. Failure to provide relevant documentation may result in a later registration date.

## 2.3 Date in band

2.3.1 A principle of the policy is that no applicant should overtake existing applicants in a band. Therefore applicants will be placed within a band in date order.

- **New application**, the date in band will be the same as the applicants registration date.
- **Change in circumstances which results in a higher band assessment:** the date in band will be the date the applicant provides satisfactory evidence to CCC of the change in circumstances.

2.3.2 When applicants move down bands due to a change in their circumstances the following applies:

Where an applicant is moving down into a band they have been in previously, the date in band reverts to the date that applied when the applicant was in that band.

Where an applicant is moving down into a band that they have not previously been in their date in band will be their initial registration date.

2.3.3 Examples can be found in CCC's procedure manual.

## 2.4 Multiple applications

2.4.1 An applicant can have only one active application as a main applicant on the housing register at any time.

## 2.5 Civil partnership

2.5.1 Civil partnership is a new legal relationship, which can be registered by two people of the same sex, so that their relationship is legally recognised. The Civil Partnership Act came into force on 5 December 2005.

2.5.2 Civil partners will have equal treatment with married couples in the lettings policy, including:

- Parental responsibility for the other civil partner's child
- Succession and assignment of a tenancy agreement
- Protection from domestic violence
- Immigration and nationality purposes

## 2.6 Change of circumstances

2.6.1 Where an applicant registered with CCC has a change in their circumstances they must inform CCC. Applicants can obtain a change of circumstances form from any PO, but this must then be sent to the PO where the original application was made. CCC will carry out a housing needs assessment based on the new circumstances. Examples of change of circumstances are detailed below, although this list is not exhaustive.

- Change of address

- People joining or leaving the household
- Pregnancy/birth of a child
- Relationship breakdown
- Change to the medical circumstances of anyone included in the application
- Death of a household member
- Death of a joint applicant
- Any other material circumstances that change their housing application

## **2.7 Applicant's consent and declaration**

2.7.1 When an applicant applies for housing, they will be required to sign a declaration to confirm that:

- The information they have provided is true and accurate
- They will inform CCC of any change in circumstances
- They understand that information will be shared with all the POs
- They consent to CCC making enquiries of any relevant persons to confirm the information on the application form is correct
- They consent to the release of any relevant information

2.7.2 CCC may take legal action against applicants who withhold or provide false information regarding their housing application. Where an applicant has been let a property as a result of providing false information, the Landlord of that property may take court action to obtain possession of the property.

## **2.8 Data protection**

2.8.1 CCC policy on Data Protection can be viewed at [www.cambridge.gov.uk](http://www.cambridge.gov.uk)

## **2.9 Application review**

2.9.1 When an applicant has not expressed an interest in any available properties for one year, we will write to them to see if they still wish to be on the housing register. If there is no response within the required time limit, (28 days from the letter being sent) the application will be cancelled. We will write to the applicant to notify them of this. If an applicant contacts CCC within 28 days of their application being cancelled and indicates that they still want to be considered for housing the application will be reinstated from their last applicable date in band (see section 2.3. above)

## **2.10 Cancelling an application**

2.10.1 An application will be cancelled from the housing register in the following circumstances:

- At the applicant's request
- If the applicant becomes ineligible for housing (see chapter 3)
- When the applicant has been housed through the lettings policy
- When a tenant completes a mutual exchange
- Where an applicant does not maintain their application through the review process, or where they move and do not provide a contact address
- Where the applicant has died

- 2.10.2 When an application is cancelled, we will write to the applicant or their representative to notify them. Where an applicant has been highlighted as vulnerable, CCC will contact the applicant to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision, (see chapter 6)
- 2.10.3 Where an applicant wishes to re-join the housing register at a later date their new date of registration will be the date they re-apply.

## Chapter 3

### 3. Eligibility to be accepted onto the housing register

#### 3.1 Eligibility categories

3.1.1 Under the Housing Act (1996), local authorities must consider whether applicants are eligible for housing assistance. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK.

3.1.2 CCC cannot, by law, allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996), unless they:

- Already hold a secure tenancy of CCC
- Already hold an assured tenancy allocated to them by CCC
- Are in a class prescribed by regulations made by the Secretary of State.

3.1.3 Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. CCC reserves the right to seek independent advice and assistance to resolve the issue of eligibility.

#### 3.2 Exclusions from the housing register

3.2.1 CCC may exclude someone from the register if it considers it proportionate and reasonable to do so as a result of unacceptable behaviour. CCC will take into account all relevant factors such as health, dependants and the individual circumstances of the applicant when making these decisions.

3.2.2 Unacceptable behaviour

- “Unacceptable behaviour” “ is defined as behaviour, which would, if the person was either a secure tenant or a member of a secure tenants household, entitle a landlord to a possession order under any of grounds 1 to 7 of HA 1985 sch 2.”
- If an applicant who has previously been refused an application onto the housing register because of unacceptable behaviour and considers that their unacceptable behaviour should no longer be held against them they can complete a new application from.

#### 3.3 When making decisions regarding unacceptable behaviour CCC will consider:

- If the applicant (or a member of their household) has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of CCC.
- When the unacceptable behaviour took place. Consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances.

- What action the landlord would have taken against the perpetrator of the unacceptable behaviour. The behaviour must be serious enough for CCC to be granted a possession order as detailed above.
- Whether the behaviour is serious enough to make the person making the application unsuitable as a tenant: Behaviour may not be considered serious enough for example if, rent arrears have resulted from factors outside the applicants control, e.g. delays in Housing Benefit payments or liability for a partner's debts.

3.2.4 CCC may decide to exclude existing applicants from the register where they become aware of unacceptable behaviour that would make them unsuitable to be a tenant.

3.2.5 All decisions made by CCC in relation to excluding applicants from the housing register are subject to review if requested by the applicant. (See chapter 6)

### **3.4 Notifying an ineligible applicant**

3.3.1 Applications from ineligible applicants will not be registered. The applicant will be notified in writing of the decision and the reasons for the decision will be explained to them.

### **3.5 16 and 17 Year olds**

3.5.1 Any applicant aged 16 or over can apply for housing. However until the applicant reaches 18 years old any offer of accommodation will be subject to appropriate guarantor or trustee arrangements being in place. Applicants under 18 years old will be referred to a housing officer for advice regarding their housing rights and options"

## Chapter 4

### 4. Assessment of housing need

#### 4.1 Legal background

4.1.1 All applicants will be placed in a housing needs band following an assessment of their household's needs. This is to ensure that CCC meets their legal obligations as set out in the Housing Act (1996) as amended by the Homelessness Act (2002).

#### 4.2 Advice and information

4.2.1 CCC will ensure that housing advice and options information is available free to everyone in Cambridge City on how to apply for housing. If applicants are likely to have difficulty in making an application without assistance, then any necessary assistance they require will be made available by CCC.

#### 4.3 Assessment and panel decisions

4.3.1 Assessment decisions are made by CCC. In some circumstances (see chapter 6), a panel of senior officers will carry out reviews of assessment decisions as required. The panel will be composed of three senior housing officers.

#### 4.4 Local connection criteria

4.4.1 To ensure local housing needs are met, 90% of properties advertised through the CBL scheme will be labelled as available to applicants with a local connection to CCC. It has been agreed that 10% of advertised properties will be available to applicants who have a local connection to any authority within the Cambridge Sub-region, It has also been agreed that 25% of new growth homes will be made available for cross boundary mobility. The relevant local connection requirement will be clearly labelled on the property advertisement.

4.4.2 The housing register is open to all applicants who are eligible for housing even if they do not have a connection to CCC. They are able to express interest in advertised homes, but usually the property will be labelled as available to a applicants with a local connection to CCC or the Sub region. If there is no local connection criteria required for the property, this will be stated on the property label.

4.4.3 To be considered as having a local connection to CCC one of the following must apply:

- Applicants work in the local authority area for sixteen hours or more per week
- Applicants are normally resident in the local authority area. Normally resident might typically be at least 6 of the last 12 months, or 3 of the last 5 years
- Applicants are an ex-resident from the local authority area who previously lived there for 5 years or longer

- Applicants have family members who are resident in the local authority area. Family members are defined as parents, adult children or brothers or sisters who have been resident in the local authority for a period of 5 years or longer
- There are special circumstances which CCC considers give rise to a local connection

4.4.4 When assessing local connection to their area, the POs in the Cambridge Sub-region will use the same criteria as above. When applying for a sub-regionally advertised property a local connection to any of the POs will enable applicants to bid

## **4.5 Housing needs bands**

4.5.1 Housing need is assessed and applicants will be placed in one of the following four bands in date order. Applicants placed in band A will have the highest assessed need, band D the lowest. When an applicant is placed in a housing needs band the same level of priority will apply with all PO's in the sub-region.

### **4.6 Band A: Urgent Need**

Applicants with the following circumstances will be placed into band A

#### **a) Urgent transfer**

Where a tenant of CCC or PO needs to move urgently because of circumstances that could include:

- Major repairs are required on the property in which they live and which cannot be undertaken with the tenant living in the property
- The property is being demolished

#### **b) Statutorily overcrowded**

Applicants who have been assessed as being overcrowded as defined in Part X (10) of the Housing Act 1985, and where CCC considers after taking into account the general housing circumstance in the area, the applicant has an urgent need to move.

#### **c) Urgent health and safety risk**

Applicants whose current accommodation has been assessed by CCC as posing an urgent health and safety risk. This will apply where the assessment has classified the accommodation as unsafe, or where there is a risk of imminent harm as identified in the assessment, which cannot be remedied in a reasonable time and where the health and safety risk has not been caused intentionally by the applicant or a member of the applicant's household.

#### **d) Urgent medical need**

An assessment of medical need will be made by a medical professional or senior officer, using a sub-regionally agreed criteria for assessment.

Urgent medical need will be awarded where an applicant's current housing is having a major adverse effect on the medical condition or disability of the applicant or member of their household and this will be significantly improved by alternative accommodation.

#### **e) Current supported housing resident**

The applicant has been assessed through CCC's HARP panel procedure and the supported housing provider as ready to move into independent accommodation, and the applicant has not been placed in band A for any other reason.

#### **f) Homeless households (Main homelessness duty owed)**

Where an applicant is not homeless intentionally or threatened with homelessness intentionally, is eligible for assistance and has a priority need for accommodation, and CCC or a PO has accepted a main homeless duty under s193 (2) of the Housing Act 1996 as amended by the Homelessness Act 2002.

#### **g) Urgent multiple needs**

Where a PO has assessed a household as having two or more band B needs. This may include an application where two household members have the same assessed need. I.e. two high medical needs.

For multiple needs in band A please see emergency housing status (see chapter 5)

### **4.7 Band B: High Need**

Applicants with the following circumstances will be placed into Band B.

#### **a) High health and safety risk**

Applicants whose current accommodation has been assessed by CCC or a PO as posing a high health and safety risk. This will apply where the assessment has identified that the applicant is living in a property, the condition of which places them at a high risk of harm as identified in the assessment, which cannot be remedied in a reasonable time and where the health and safety risk has not been caused intentionally by the applicant or a member of the applicant's household.

#### **b) High medical need**

An assessment of medical need will be made by a medical professional or senior officer, using a sub-regionally agreed criteria for assessment.

High medical need will be awarded where an applicant's current housing conditions have been assessed as having a significant adverse effect on the medical condition or disability of the applicant or member of their household and this will be improved by alternative accommodation.

### **c) Victims of harassment, violence or abuse**

Where CCC or PO has investigated and an assessment has identified that the applicant or a member of their household is being subjected to harassment or other conduct causing alarm and distress that will be improved by alternative accommodation. Harassment might be, but is not limited to, harassment due to, race, gender, sexual orientation, mental health, physical disability, learning disability, religion, domestic abuse or harassment by a former partner or associated persons.

CCC will offer advice and support to assist the applicant in identifying possible ways to resolve the situation.

### **d) Lacking two bedrooms**

Based on the bedroom calculation in chapter 5, the household is assessed as lacking two bedrooms.

### **e) Under-occupancy by two or more bedrooms or release of adapted property**

Where an existing social housing tenant in the sub-region is living in a property, which:

- Has two bedrooms more than are required by the household
- Where a property has been adapted and the adaptations are no longer required. For example if the person requiring the adaptations has moved or died.

### **f) Homelessness prevention (prior to homelessness decision being made)**

Where an applicant is threatened with homelessness within a period of more than 28 days, CCC will work with the applicant to try and prevent their homelessness. Those applicants, who would appear likely to have a priority need in the event of a homelessness application, will be placed in band B whilst the prevention measures are being pursued. Existing housing register applicants within band A will retain their band A status.

Where homelessness prevention has not been possible and a applicant remains threatened with homelessness within the next 28 days, they may choose to make a homeless application which will be assessed by CCC, under part VII (7) of the Housing Act 1996 as amended by the Homelessness Act 2002.

### **g) Multiple needs**

Where a PO has assessed the applicant as having three or more band C needs. This may include an application where more than two household members have the same assessed need i.e. three medical needs.

## **h) Rough Sleeping**

Where an applicant has been verified, as sleeping rough we will take into account the following conditions and intentionally worsening housing circumstances. (See **chapter 4. 4.12.1**)

- The rough sleeping is verified (i.e. seen out rough sleeping - in our case by the Street Outreach Team) as shown on weekly verification sheets.
- That the rough sleeper has not turned down reasonable offers of **any** hostel accommodation.
- That the rough sleeper has been verified for at least 3 weeks.

## **4.8 Band C: Medium Need**

Applicants with the following circumstances will be placed into band C.

### **a) Medium medical need**

An assessment of medical need will be made by a medical professional or senior officer, using a sub-regionally agreed criteria for assessment.

Medium medical need will be awarded where an applicant's current accommodation is having a minimal effect on the medical condition or disability of the applicant or member of their household, but a move to different accommodation would be likely to improve their quality of life.

### **b) Under-occupancy by one bedroom.**

Where an existing social housing tenant in the sub-region is living in a property, which:

- Has one bedroom more than is required by the household

### **c) Need to move for social reasons**

Where CCC or PO has assessed the applicants need to move for social reasons.

For example, where it has been confirmed that an applicant:

- Needs to move to or within an area in the sub-region to give or receive support and a proven level of support is required and can be given
- Has found employment in the area and needs to move closer to work, or will otherwise lose their employment
- Has staying contact with a child/children and is living in accommodation where the child/children are not allowed to stay overnight
- Is living above ground floor with children under 10 years of age

This list is not exhaustive.

#### **d) Housing conditions.**

Where the applicant/s share facilities with persons, who are not members of their household.

Shared facilities may include:

- A living room
- Bedroom
- Kitchen
- Bathroom

#### **e) Lacking one bedroom**

Based on the bedroom calculation in chapter 5, the household is assessed as lacking one bedroom.

#### **f) Other homelessness**

Applicants who are homeless or threatened with homelessness and are either:

- Intentionally homeless
- Homeless or threatened with homelessness but not in priority need
- Sleeping rough and not in priority need (where applicants are sleeping rough, they will not be eligible for an assessment of their housing conditions, for a multiple needs assessment)
- Where the applicant is owed a main homelessness duty by a local authority that are not a PO in the sub-region.

### **4.9 Band D: Adequately Housed**

An applicant assessed as being adequately housed will be placed in band D.

### **4.10 Low priority**

4.10.1 Where an applicant or member of their household is guilty of unacceptable behaviour they may be excluded from the housing register see 3.2. The behaviour may not be sufficiently serious so as to justify their exclusion from the housing register but it may be sufficiently serious for CCC to determine that they are unsuitable to be a tenant of the authority. In these circumstances the applicant will remain in low priority until the applicant has shown that the circumstances or behaviour that made them unsuitable to be a tenant has changed, as per the Housing Act 1996 S167 (2b) and (2c)

4.10.2 CCC may regard a failure to pay rent or other tenancy related charges or debts as behaviour affecting the suitability of applicants to be tenants. See section 4.11 below.

4.10.3 When an applicant is accepted onto the housing register, but their application is considered as low priority, their application will be placed in a housing

needs band however they will not be offered a property whilst their application remains low priority.

4.10.4 All applicants who are considered low priority will be informed of this decision in writing, and how their application could be re-assessed, for example, by agreeing an arrangement to make payments towards tenancy related debt.

4.10.5 Applicants found to be low priority have a right to ask for a review of the decision (see chapter 6). A delegated senior officer or a panel of senior officers will undertake the review.

#### **4.11 Housing related debt**

4.11.1 CCC expects applicants to clear any tenancy related debts that they owe CCC before an offer of a tenancy, is made, where it is clearly within their means to do this (for example where the debt is relatively low and the applicant has a reasonable disposable income or significant savings to draw on).

4.11.2 When a financial assessment carried out by CCC shows that the debt cannot be cleared immediately then a realistic and affordable repayment arrangement should be agreed to clear the debt.

4.11.3 The applicant shall become eligible to bid for property as long as the agreed repayments have been in place for at least four months even though this may mean only a small proportion of the total outstanding debt has been repaid.

4.11.4 All low priority applicants will have their application reviewed on the anniversary of the decision to make them low priority.

#### **4.12 Intentionally worsening housing circumstances**

4.12.1 If in the reasonable opinion of a PO an applicant has intentionally worsened their housing circumstances. Their housing need will be assessed on the basis of their previous accommodation.

#### **4.13 Officer review for band A applicants**

4.13.1 Where an applicant has held band A status for three months from their applicable date in band, CCC will carry out a review of their circumstances. This will result in either:

- Priority being maintained
- A direct let – usually for statutorily homeless applicants living in temporary accommodation
- Moving into a lower priority band if the circumstances under which they were placed in band A no longer apply

## Chapter 5

### 5.1 Assessment information and criteria

- 5.1.1 The following section outlines criteria taken into account when considering assessments of housing need.

### 5.2 Homeless applications

- 5.2.1 Applicants who are already on the housing register will remain in their existing housing needs band whilst a homeless assessment is carried out.

- 5.2.2 When a decision has been made by CCC that an applicant is owed a main homelessness duty under s.193 (2) of the Housing Act 1996 (as amended) their application will be placed in band A. (See chapter 4 section 4.6.1 f)

- 5.2.3 Where a person is threatened with homelessness within a period of more than 28 days, CCC will work with the applicant to try and prevent their homelessness. Those persons, who would appear likely to have a priority need in the event of a homelessness application, will be placed in band B whilst the prevention measures are being pursued.

- 5.2.4 A person who is threatened with homelessness may have an existing housing register application. Applicants in band A will retain their existing band status whilst homelessness prevention measures are pursued.

- 5.2.5 An applicant who is statutorily homeless or threatened with homelessness but deemed not to have a priority need will be placed in band C (unless other circumstances are such that they are eligible for placement within a different band).

- 5.2.6 Applicants who have been assessed as being in priority need but are intentionally homeless will have their housing application assessed on their current accommodation, if an applicant has intentionally worsened their circumstances the housing needs assessment will take this into account. (See section 4.12.1).

- 5.2.7 Applicants owed a main homelessness duty under s.193 (2) will be expected to bid for permanent accommodation.

### 5.3 Split household

- 5.3.1 Where members of a household who would normally be expected to live together are unable to do so because of their current housing circumstances, they will have their particular circumstances assessed by CCC to assess the best way of addressing their housing needs.

### 5.4 Bedroom requirements

- 5.4.1 Housing assessment for bedroom requirement will be made taking into account the size of the property and the best use of the available space. For

example if a household is using a bedroom as a study they would not be assessed as lacking a bedroom.

## **5.5 Bedroom assessment guidelines**

- Single applicants are eligible for one bedroom
- Couples are eligible for one double bedroom
- Non co-habiting applicants (e.g. siblings) are eligible for a bedroom each.
- Two children of the same sex who have a 10-year age difference are eligible for a bedroom each.
- Two children of the opposite sex are eligible for a bedroom each
- A pregnant woman expecting her first child requires two bedrooms after 24 weeks of pregnancy

Applicants can allow children of any age or sex to share a bedroom if they choose to, but CCC will not allow an allocation, which could cause a property to be overcrowded.

## **5.6 Staying contact with children**

- 5.6.1 Where an applicant has staying contact with children for less than 50% of the time the children will not be counted as part of the applicants household when assessing bedroom requirements.
- 5.6.2 Where two applicants have equal staying contact with children, the children will be counted as part of both applicants household when assessing bedroom requirements.

## **5.7 Medical assessments**

- 5.7.1 Medical assessments will be carried out for any applicants who believe that their medical condition or disability is being affected by their current accommodation. The applicant will be required to fill in a self-assessment medical form, detailing the effect that their current accommodation is having on their medical condition or disability. Either a medical professional or senior officer will assess these forms.

## **5.8 Harassment and domestic violence**

- 5.8.1 Where the applicant is a victim of harassment, domestic violence or anti-social behaviour, CCC will offer advice and support to assist applicants in identifying possible ways of resolving their situation.

## **5.9 Applicant subject to Multi Agency Public Protection arrangements, (MAPPA)**

- 5.9.1 Where an applicant is subject to Multi Agency Public Protection (MAPP) arrangements, CCC will liaise with the panel to ensure an appropriate housing solution to meet the needs of the applicant and the community as a whole.

## **5.10 Financial resources**

5.10.1 All eligible applicants are entitled to apply for housing regardless of income levels. However if an applicant has an income and/or capital, which would enable them to purchase a suitable property (including low cost home ownership). They will not receive any preference for rented housing. In order to determine this CCC will undertake a financial assessment, which may include the following

- The total income of the applicant/partner
- Any capital available to the applicant/partner
- Average property prices in the City for the type of accommodation needed by the household
- The ability of the applicant/partner to service the required mortgage repayments based on a realistic assessment of their financial position and commitments.

## **5.11 Emergency housing**

5.11.1 The award of emergency housing status will be given by a panel of senior officers and must satisfy the test and evidence as detailed in the CBL panel procedure. An emergency housing status may be awarded to applicants in circumstances, where remaining in their current accommodation may cause risk of death or serious injury. Emergency housing will be awarded to an applicant who has been assessed as having multiple needs that fall within band A.

An applicant with emergency housing status who bids for a home will be considered as a priority above all other applicants in any other band. Emergency status is time-limited for three months and may in exceptional circumstances be extended.

## **5.12 Direct lets**

5.12.1 Most properties will be advertised through the CBL scheme. However in certain circumstances CCC may allocate some properties directly to applicants. Where an applicant is identified as requiring a direct let the case will be referred to a senior officer for approval. The list below gives some examples of where CCC might do this. This list is not exhaustive.

- Where a homeless household has not found suitable accommodation during a period of choice through the CBL scheme.
- Where an applicant and their household require a very specific size, type or adapted property and the applicant has not been able to find suitable accommodation through the CBL scheme
- Where an existing social housing tenant is required to move to make the best use of stock, and they have not been successful in getting a suitable property through the CBL scheme

5.12.2 Information as to which properties have been allocated through direct lets will be made available through the CBL feedback mechanism.

5.12.3 Direct lets will be made on the basis of a suitable property becoming available. Where a property becomes available that is suitable for more than one applicant, with a direct let status the date applicants were awarded a direct let status will be used as a deciding factor in determining to whom the property will be allocated.

### **5.13 Direct lets to homeless applicants**

5.13.1 Homeless applicants who have been found to be owed a main homelessness duty are eligible for a direct let in addition to being able to express interest in available property.

5.13.2 Where a homeless applicant refuses an offer of accommodation that they have bid for, they will remain within the same housing band and the s.193 (2) duty under the Housing Act 1996 as amended by the Homelessness Act 2002, will continue. Although such an offer may well be suitable, the council will use its discretion to make further offers to ensure maximum availability of choice during the initial 3-month period following acceptance under s.193 (2)

5.13.3 Where homeless applicants in band A have not been successful in bidding for properties, after a period of 3 months from their date in band, CCC reserves the right to make a direct let of a property in any area of the City. The decision by CCC to make a direct let will depend on the extent to which homeless applicants have had the opportunity to bid for a property, thereby exercising a choice, during the 3 month period immediately following their acceptance for housing under s.193 (2).

5.13.4 CCC will continue to review each homeless applicant's circumstances and property availability. The applicant will be informed of the date from which they are to be considered for accommodation via a direct let.

5.13.5 Where a homeless applicant is to be allocated a property through the direct let process CCC has responsibility for determining the suitability of any allocation. They will do this by assessing the household's particular needs and circumstances within the context of the general housing conditions prevailing in the area as a whole.

5.13.6 If a suitable offer made after a period of choice, as a direct let is refused, the council's duty towards the person as a homeless applicant will come to an end and they will have to leave any temporary accommodation being provided.

5.13.7 Where a homeless applicant is offered accommodation via a direct let, but does not feel that this offer is suitable, they have the right to request a review of the decision that the offer is suitable. For details of the review process (see chapter 6).

5.13.8 Homeless applicants will usually be advised to accept and move in to the accommodation pending the decision on review. In that way, if the property is deemed suitable at review, no further offer will be made but the applicant will be able to remain there.

5.13.9 If the property is refused by the homeless applicant and it is then deemed suitable at review, the s.193 (2) duty will have come to an end, the homeless

applicant will not be made a further offer of accommodation and will also have to vacate any temporary accommodation that is being provided.

5.13.10 If, on review, the property is deemed to be unsuitable, the duty under s.193 (2) will continue and the applicant will be made a further offer of suitable accommodation.

#### **5.14 Applicants who require a specific size, type or adapted property**

5.14.1 Where an applicant requires a specific size, type or adapted property, they will be placed in the appropriate housing needs band, but may be offered a direct let if CCC have a shortage of suitable properties. For example:

- An applicant requires a very large property to accommodate their household
- An applicant requires a property of a specific type in a specific area of the city
- An applicant requires a property with specific adaptations and such a property becomes available
- Where an applicant is willing to move to release a large family home

#### **5.15 Sheltered housing**

Sheltered housing will be advertised through the CBL scheme. Property in schemes designated by CCC as sheltered housing will only be available to households who require the level of support offered in this type of accommodation. Applicants for sheltered housing will be subject to an assessment by CCC to establish the prospective tenants support needs and suitability to living in their chosen Sheltered Housing Community.

#### **5.16 Extra care housing**

5.16.1 Extra care housing is properties for older people where additional support and social care services are required. Allocation to extra care housing will not be advertised through CBL but be made by dedicated allocation panel, consisting of representatives from CCC and Cambridgeshire County Council Adult Care Services. Allocations through this panel will be based on an assessment of the level of support and care required by the applicant.

#### **5.17 Refusals of direct let**

5.17.1 Where an applicant refuses a reasonable offer of a direct let, the panel of senior officers will review the refusal and the applicant may lose any housing priority they held, dependent on the reasons for the offer refusal. Applicants have the right to ask for a review of this decision (see chapter 6)

#### **5.18 Area specific policies**

5.18.1 Area specific policies also known as local lettings policies and are used in specific areas within the sub region to help create balanced and sustainable communities. Where an area specific policy applies, it will be stated in the property label. Details of area specific policies in place will be clearly stated on the property label.

## Chapter 6

### Reviews of decisions

#### 6.1 Senior officer or panel decision making processes

- 6.1.1 A panel of senior officers will carry out reviews of assessment decisions as required. The panel will be composed of three senior officers.
- 6.1.2 CCC will make all assessment decisions. In cases where CCC, the applicant or support agency believe that there are exceptional or unusual circumstances that are pertinent to the assessment decision, a request can be made for the panel to review the application:
- 6.1.3 Examples of circumstances that may be reviewed by the panel:
- Multiple need in band
  - Emergency housing required
  - Multi Agency Public Protection allocations.
  - Short listing where more than one applicant has the same band date in band and registration date.
  - Low priority review decisions
  - Refusal of direct lets

This list is not exhaustive.

#### 6.2 Statutory reviews

- 6.2.1 An applicant has the right to request a review of decisions made under part V1 (6) of the Housing Act 1996 in particular:
- Decisions about the facts of the applicant's case which are likely to be, or have been, taken into account in considering whether to allocate housing accommodation to the applicant
  - Lack of any reasonable preference based on previous behaviour s167 (2C) Housing Act 1996
  - Ineligibility for an allocation based on immigration status s160A (9).
- 6.2.2 Decision letters issued in respect of housing applications will advise the applicant of their right to request a review and provide appropriate guidance on how to do this. An applicant can obtain further details of the review procedure from CCC.
- 6.2.3 A request for a review of a decision can be made in writing or verbally to CCC. The request should be made within a reasonable period following the notification of the decision. Reviews will be considered within 28 days of the request being received and the applicant will receive a written response outlining the result of the review.
- 6.2.4 An applicant will only be entitled to one internal review. If an applicant is still unhappy following the review of a decision, they can make a complaint through the council's complaints procedures, contact the Local Government

Ombudsman (see section 6.4) or seek to challenge the decision via a judicial review.

6.2.5 Reviews will be undertaken by an officer who was not involved in the original decision, and who is senior to the decision-making officer.

### **6.3 Homeless reviews**

6.3.1 Homeless applicants have the right to request a review of certain decisions made by the CCC in respect of a homelessness application.

6.3.2 This includes the decision to discharge a homelessness duty through a suitable offer of permanent accommodation via the housing register.

6.3.3 A review request must be made within 21 days of notification of a decision, although a late review request can be accepted under exceptional circumstances at the discretion of CCC

6.3.4. CCC has contracted out the review function to a firm of solicitors. The solicitor will only consider written representations and applicants will not normally be offered an oral hearing.

6.3.5 Having requested a review, the applicant will be advised to make representations in writing. Someone who is acting on behalf of the applicant can also make representations. The case file together with any new information provided as part of the review request will be sent to the reviewing solicitor. CCC will write to the applicant notifying him or her of the outcome of the review.

6.3.6 Applicants that are requesting reviews of decisions about suitability of accommodation will be advised to accept and move into accommodation pending the outcome of their review request. If the review goes in their favour alternative accommodation will be provided as quickly as possible. However if the applicant has accepted the original offer and the council's decision about the suitability of the property stays the same, no further accommodation will be provided the applicant will be entitled to remain there.

6.3.7 The applicant has the right of appeal to the county court if he or she is dissatisfied with the decision on a review.

### **6.4 The Local Government Ombudsman**

6.4.1 The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most council matters including housing.

6.4.2 If a complainant is not satisfied with the action the Council takes; he or she can send a written complaint to the ombudsman. A complainant must give the Council an opportunity to deal with a complaint first, using its internal complaints procedure.

6.4.3 The Local Government Ombudsman can be contacted at:

Local Government Ombudsman  
The Oaks No 2  
Westwood Way  
Westwood Business Park  
Coventry CV4 8JB

Tel: 024 7682 0000  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)

If an applicant wishes to make a complaint against a housing association, they should contact:

The Housing Ombudsman Service  
Norman House  
105 -109 Strand  
London  
WC2R 0AA

Tel: 08457 125 973  
E- mail: [ombudsman@ihos.org](mailto:ombudsman@ihos.org)  
Website [www.ihos.org.uk](http://www.ihos.org.uk)

## **Chapter 7**

### **7.1 Letting of accommodation**

- 7.1.1 CCC will advertise available property through the sub regional CBL scheme. The advertising will be carried out on a regular basis and for specific periods of time, known as an advertising cycle. (See framework document).
- 7.1.2 The Partner Organisations recognise the importance of advocacy and where appropriate will allow an applicant to appoint someone to express an interest in available homes on their behalf, acting as a proxy.

When there is a formal advocacy role a form will be needed to be signed by the applicant to ensure compliance with the Data Protection Act.

### **7.2 Labelling property advertisements**

All adverts will include a description of the property and any other relevant information, for example rent charge, property size, local facilities, any disabled adaptations or if the property is sheltered housing. The property will be labelled to show who is able to express and interest in it, for example, where a local connection is required.

### **7.3 Transfer applicants**

- 7.3.1 Transfer applicants are those applicants who are tenants of CCC who are requesting a move or need a move to alternative accommodation.

### **7.4 Short listing**

- 7.4.1 After the close of advertising, a shortlist of eligible applicants will be taken from the CBL computer system. The shortlist will identify the order of applicants based on who has been in the highest housing needs band for the longest time. In circumstances where there is more than one applicant in the same band and they have the same date in band, the computer system will give priority to the applicant with the earliest registration date. If in the unlikely circumstances that there is more than one applicant with exactly the same band, date in band and registration date a panel of senior officers will make an allocation decision based on the best use of the housing stock and needs of the applicants.
- 7.4.2 When a short list of applicants is completed, the top applicants will be offered an accompanied viewing of the property. This is to ensure that if the applicant who tops the short list decides not to take the tenancy, the property can be quickly offered to the next person on the shortlist.
- 7.4.3 The applicant at the top of the shortlist will be given 24 hours after viewing a property and receiving a verbal offer of a tenancy, to accept or refuse the offer. If the offer is refused the person next on the short list will be offered the property.
- 7.4.4 In exceptional circumstances a panel of senior officers may make a decision not to offer a property to the applicant who tops a short list if in doing so the

offer could put a vulnerable person at risk of any harm. Any such decisions will be explained fully to the applicant in writing.

## **7.5 Formal offer of the property**

7.5.1 Once the applicant has confirmed that they want to accept the offer of the tenancy, the landlord of the property, which could either be CCC a PO or a Housing Association, will give the applicant a formal offer of the tenancy. During the period after acceptance of an offer and before tenancy sign up the CBL system will not allow the applicant to be considered for other properties.

7.5.2 The landlord of the property will conclude the tenancy sign up.

## **7.5 CCC Introductory tenancies**

7.5.1 All new tenancies offered by CCC will be considered as an introductory tenancy unless one of the following apply:

- The person/s being offered the tenancies is already a secure tenant with CCC or another local authority.
- The person/s being offered the tenancy is already an assured tenant of a Housing Association in or out of the City of Cambridge.

Further information on introductory tenancies can be obtained from [www.cambridge.gov.uk](http://www.cambridge.gov.uk)

## **7.6 Withdrawal of offers**

7.6.1 In the following very exceptional circumstances, CCC may withdraw an offer of a property:

- Where there has been a change in the applicants circumstances
- Following verification the applicant is not eligible for the property; or
- Where an error has been made in the advertising criteria
- Where an offer of accommodation could put a vulnerable person at risk of any harm

## **7.7 Refusing an offer of accommodation**

7.7.1 Usually, if an applicant refuses an offer of accommodation made through CBL, they will remain in their housing needs band. If an applicant refuses three offers of a property made through CBL, CCC will contact the applicant to offer support and assistance and verify their circumstances.

## **7.8 Allocations to staff, council members or their family members**

7.8.1 Members of staff, their close family and elected members who require housing with CCC may apply for housing in the same way as other applicants. Their status should be disclosed on the application form at the time of applying.

7.8.2 If an applicant who is a member of staff, elected member or a member of their direct family, makes a successful bid for a property the Director of Community

Services will be informed and must approve the letting prior to the formal offer being made.

## **7.9 Tenancy management outside the scope of the lettings policy**

7.9.1 The following tenancy management areas fall outside of Part 6 of the Housing Act 1996, and will be managed by CCC's Tenancy Management Services:

- Mutual exchanges
- Persons transferring from introductory to secure tenancy in the same property
- Where a secure tenancy is assigned by way of succession to the same property
- Where a secure tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment
- Where court orders are made under one of the following:
  - Section 24 of the Matrimonial Causes Act 1973
  - Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
  - Paragraph 1 of schedule 1 to the Children Act 1989

## Chapter 8

### 8 Confidentiality and access to information

#### 8.1 Applicants' Rights to Information

8.1.1 Applicants have the right to request such general information as will enable them to assess:

- How their application is likely to be treated under the Lettings Policy (including in particular whether they are likely to be regarded as a member of a group of people who are to be given preference by virtue of this Policy, (see chapter 4)
- Whether housing accommodation appropriate to their needs is likely to be made available to them.

8.1.2 Applicants have the right to request CCC to inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

#### 8.2 Data protection

8.2.1 When an applicant applies to the CBL scheme, CCC and the POs will seek only information that they require to assess the applicant's application and housing needs. CCC and the POs will collect and keep data in accordance with the Council's guidelines on handling personal data.

8.2.2 These guidelines are in accordance with the Data Protection Act 1998 that covers both electronic and manual records and the Act governs everything we do with the data, including collecting, storing, using and disposing of it.

8.2.3 The data protection principles, which underpin the Data Protection Act 1998, are that data must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than necessary
- Processed in accordance with the data subjects rights
- Secure
- Not transferred to countries without adequate protection

8.2.4 Confidential information held about applicants will not be disclosed to third parties apart from:

- Where the individual who is the subject of the confidential information has consented to the disclosure
- Where the CCC or a PO is required by law to make such disclosures
- Where disclosure is made in accordance with an information sharing protocol

### **8.3 Freedom of information**

8.3.1 The Freedom of Information Act is in two parts. The first part, the Publication Scheme, came into force in February 2003 and the Council's Publication Scheme is available on the website (<http://www.cambridge.gov.uk/foi>). The second part of the Act came into force on 1 January 2005 and from then CCC has been obliged to provide information to anyone who requests it, unless an exemption applies. The deadline for meeting requests is 20 working days. It is free to make a request, but we can charge for copying and postage.

### **8.4 Requesting information**

8.4.1 If you are looking for your own personal information, this is handled via the Data Protection Act and more information about Data Protection can be found at <http://www.cambridge.gov.uk/dataprotection> or by contacting the Data Protection Officer at [data.protection@cambridge.gov.uk](mailto:data.protection@cambridge.gov.uk). Please note that we cannot provide you with personal information about other people if doing so will breach the Data Protection Act 1998.

## Appendix 1

### Cambridge Sub regional Choice Based Lettings Partner Organisation list

#### Local Authority

##### **Cambridge City Council**

Hobson House  
44 St Andrews Street  
Cambridge CB2 3AS

##### **South Cambridgeshire District Council**

Cambourne Business Park  
Cambourne  
Cambridge, CB3 6EA

##### **East Cambridgeshire District Council,**

The Grange,  
Nutholt Lane,  
Ely, CB7 4PL

##### **Huntingdonshire District Council**

Housing Services  
Pathfinder House  
St Mary's Street  
Huntingdon  
PE29 3TN

##### **Fenland District Council**

Fenland Hall  
County Road  
March  
Cambridgeshire  
PE15 8QN

##### **Forest Heath District Council**

District Offices  
College Heath Road  
Mildenhall  
Bury St Edmunds  
Suffolk  
IP28 7EY

##### **St Edmundsbury Borough Council**

Borough Offices  
Bury St Edmunds  
Suffolk  
IP33 1XB

#### LSVT Landlord

##### **Hereward Housing**

St Mary's Lodge  
St Mary's Street  
Ely  
Cambridge  
CB7 4EY

##### **Luminus Group**

Brook House  
Ouse Walk  
Huntingdon  
Cambs  
PE29 3QW

##### **Kings Forest Housing**

College Heath Road  
Mildenhall  
Bury St Edmunds  
Suffolk  
IP28 7EY

##### **Havebury Housing Partnership,**

Havebury House, Western Way  
Bury St. Edmunds, Suffolk IP33 3SP  
and also Manor Road, Haverhill, Suffolk  
CB9 0EP.  
Email is [Office@Havebury.com](mailto:Office@Havebury.com)

## Appendix 2

### ABREAVITIONS AND GLOSSARY OF TERMS

#### Abbreviations

**CBL** – Choice Based Lettings  
**CCC** – Cambridge City Council  
**PO's** – Partner Organisations  
**HA** – Housing Act

#### **Adapted properties**

Property that has been adapted for an applicant with disabilities.

#### **Adequately housed**

Living in a property that is suitable for you families needs.

#### **Advertised**

Properties that are advertised and are available for applicants to bid for under CBL.

#### **Applicants**

Anyone who applies to the housing register, including current tenants of CCC or Housing associations property.

#### **Application number**

A unique housing number generated by the computer system.

#### **Bedroom eligibility**

How many bedrooms a household is assessed as needing

#### **Bid**

The process of applicants saying which property they would like to live in

#### **Choice Based Lettings (CBL)**

A method of letting social housing through openly advertising property, and allowing applicants to bid for those advertised properties.

#### **Customer/Applicant**

Is either a tenant of a PO (including those in temporary accommodation) or a housing applicant on the housing needs register

#### **Date of registration**

The date an application form is registered with a PO

#### **Date in band**

The date an application is placed in a housing needs band, used as the applicable date when short-listing.

#### **Decision making organization**

The PO that made a particular decision with regard to a housing or homeless application

#### **Direct lets**

Property that is offered directly to an applicant, without them having to bid.

#### **Domestic violence**

Is threatening behaviour, violence or abuse (physical, psychological, sexual, financial or emotional) by a former partner or associated person.

#### **Household**

People who can be reasonably expected to live with you, for example, children, carers, dependent adults

#### **Housing Associations (HA)**

Also known as Registered Social Landlords. These are landlords who also provide social rented housing for which applicants/ customers can bid through the CBL scheme.

**Housing options**

Looking at what housing might be available to an applicant, including private rented accommodation and other solutions.

**Housing needs register**

A list of those requesting and eligible for housing

**Joint Application**

Where one or more applicant applies to join the housing register on one application form.

**Labelling properties**

Describing who is eligible to bid for a property

**Local Connection**

The connection an applicant has to a specific area within the sub region

**Local elected members**

Each local authority is governed by a group of elected member.

**LSVT Landlord**

Local Stock Voluntary transfer, where a Local authority has sold its housing stock to a Registered Social Landlord

**Mutual exchange**

A scheme which allows two tenants to swap their homes.

**Move on panel**

The move on panel will be made up of senior officers of CCC

**Partner organizations (POs)** All the organizations that are partners to the Sub regional CBL scheme these may be local authority or RSL organizations.

**Tenancy Related Debts**

Are defined as current rent arrears, former tenant arrears, outstanding re-chargeable repairs, current and former housing related service charge arrears and court costs.

They do not include Council Tax debts or Housing Benefit overpayments.

**The Cambridge Sub Region**

The seven Local Authorities that make up the sub-region.

**Transferring tenant**

An applicant who is currently a tenant of a partner organization