

## **Annex A**

### **Local Connection Criteria**

It is proposed that greater clarification is given to the wording around local connection criteria. This is summarised as follows:

- **Local Connection and the meaning of 'Normal Residence of Choice':** It is considered that the wording for 'normal residence' in the current policy is confusing and open to interpretation. The proposed changes therefore seek to clarify that normal residence is understood to be 'the place where at the relevant time the person in fact resides'. Residence in temporary accommodation provided by a housing authority can constitute normal residence of choice and can contribute towards a local connection. This is in line with the Homelessness Code of Guidance.

The proposed policy changes also intend to make clear that when accommodation is provided to a household because of necessity, such as hospitalisation or prison, rather than as a result of an applicant's choice, then this will not constitute normal residence of choice and will not contribute towards a local connection.

It should be noted however that in the case of a person who is street homeless or insecurely accommodated (i.e. 'sofa surfing'), the housing authority will need to carry out a different type of inquiry to be satisfied as to their 'normal residence' than would be required for an applicant who has become homeless from more settled accommodation. If an applicant has no settled accommodation elsewhere, and from enquiries the authority is satisfied that they do in fact reside in the district, then the authority will consider that household to be 'normally resident', as per the Homelessness Code of Guidance.

- **Local Connection and Family Associations**

It is proposed that the policy will make it clearer that family associations may extend beyond partners, parents, adult children or siblings, to include other family members such as step-parents, grandparents, grandchildren, aunts or uncles provided in all cases that there are sufficiently close links in the form of frequent contact, commitment or dependency, as per the Homelessness Code of Guidance. Family associations will therefore be determined with regard to the fact-specific circumstances of the individual case.

- **Local Connection and Employment**

It is proposed that the policy makes it clearer that for an applicant to satisfy this local connection criterion it would not be sufficient that their employer's head office be located in the district within which the applicant intends to reside. Instead, the focus will be on an applicant's actual place of work. In the case of self-employment, local connection would be classified by the address at which their business is registered. For agency, casual or other types of employment, it will be necessary for the applicant to demonstrate that the employment contract is not short-term, casual or ancillary, reflecting

case law on what is deemed to be employment for the purposes of local connection and the Homelessness Code of Guidance.

- **Local Connection and Special Circumstances**

This local connection provision has been amended to ensure that the need for households to be near special medical or support services which are available only in a particular district, and where transport links would not suffice to meet those needs, is explicitly covered within this category of local connection. Evaluating local connection as a result of special circumstances will continue to be assessed on the merits of each individual case.

- **Local Connection and Care Leavers.**

The section on care leavers has been expanded to include the new care leaver duty which now states: 'In cases of care leavers who are owed a leaving care duty, they will now have a local connection to all districts within the area of the children's services authority'. For care leavers who have been placed in accommodation in a different district to that of the children's services authority, and they have lived in the other district for at least 2 years, including some time before they turned 16, they will also have the same local connection under both areas of the children's service authority until they are 21.

- **Local Connection and Members of the Armed Forces**

Members of the armed forces have a local connection to the district of their choice. This is the same for those currently serving and for those who have served within the immediately preceding 5 years. This provision will also be extended to include a bereaved spouse or civil partner who has to leave Ministry of Defence accommodation following the death of their service spouse and the death was wholly or partly attributable to their service, as well as existing or former members of the reserve forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

In addition local connection will be awarded for divorced or separated spouses or civil partners of service personnel who are required to move out of accommodation provided by the Ministry of Defence.

- **Local Connection and Households that are subject to immigration control**

It is proposed the policy makes it clearer that as soon as an applicant's immigration status entitles him/her to be eligible for assistance, then local connection will apply from the date they began living in the area. In addition, refugees will be deemed to have a local connection to the area where they were last accommodated by the Home Office under asylum support.

- **Inclusion of Blenheim Palace Estates**

Housing providers who currently operate within the Homeseeker Plus boundaries are made up of: Registered Providers, an Arm's Length Management Organisation (i.e. Cheltenham Borough Homes) and a local

authority that owns and manages its own housing stock (i.e. Stroud District Council). It is proposed that, in partnership with these housing providers, the policy is amended to also include provision for Blenheim Palace Estates (operating within the West Oxfordshire District area) to advertise affordable rented properties through Homeseeker Plus.

### **Changes relating to the Banding Table**

- **What we mean by ‘Global Banding’**

The current policy makes mention of ‘global banding’ but it does not explain what this is or when it is awarded. It is proposed that more information is provided on what we mean by ‘global banding’ and the circumstances when it is awarded. For the purposes of this paper, global banding is the generic banding that applies across all districts.

- **Defining Welfare Needs**

The amended policy now seeks to provide more detail regarding the circumstances when Welfare Need will be awarded against the different banding criteria (i.e. emergency, gold and silver bands). (Please see Appendix 4 for further details)

- **Priorities for Care Leavers**

The gold band criteria for Care Leavers has been amended to reflect the new care leavers’ duties and now states, ‘A young person owed leaving care duties under section 23C of the Children Act 1989 and in a housing need who is deemed ready for independent living as assessed by the local authority will be awarded gold banding to the area of the children’s services authority that owes them the duties’. Homeseeker Plus comprises Gloucestershire and West Oxfordshire which has different children’s services authorities, therefore gold will only be awarded to housing authority districts falling within the area of the relevant children’s services authority.

- **Bedroom Eligibility**

The proposals now include more detailed guidance around the circumstances when an additional bedroom can be provided for an applicant who needs another person to live with them in order to meet their care and/or support needs. In summary, this need must be evidenced and reasons for the additional room must be provided by the applicant.

Furthermore, where there are two parents or guardians that have joint access to children, the proposed new policy will include wording which states that bedroom eligibility will only be awarded to the main care provider.

### **Other general changes/additional points of clarity – key points**

- A more detailed legal framework has now been provided within the policy, with a list of relevant duties. There is also a detailed paragraph about data

retention and how the partnership will comply with all data protection legislation and the appropriate timescales for storing personal data.

- The eligibility section of the proposed new policy makes it clearer that an applicant will not qualify for social housing if a local authority has undertaken an affordability check which has shown that the applicant has sufficient financial resources to adequately resolve his/her own particular housing need through outright purchase, lease or mortgage. This check will consider the type of accommodation needed to meet these needs to resolve their own housing need within their district.
- It is also proposed that the new policy is revised to make it clearer when applications can be suspended or demoted; e.g. where there are significant rent arrears which have not been cleared and a repayment plan is not in place, or where an applicant has unreasonably disposed of financial resources that could have enabled him/her to purchase/obtain their own accommodation. The policy will also retain flexibility to allow local authorities to consider each case on its own merits. For example, if the rent arrears arose directly due to domestic abuse, or as a result of unaffordability issues, an application under these circumstances would not be suspended.
- Furthermore, it is proposed that clarification is given when a main homelessness duty is accepted, with the proposed changes now stating that due to limited resources, high demand, and duties to provide accommodation to some groups of applicants in urgent housing need, the degree of choice that the local authority is able to offer may be limited. Linked to this is the role of 'direct matching'. The policy now makes it clearer that not all properties that become available will be advertised on Homeseeker Plus where for urgent operational reasons there is a need to make direct offers of housing outside of the normal policy banding and date order criteria. This could be for example to alleviate pressures on temporary accommodation and to ensure the use of any emergency Bed & Breakfast accommodation is minimised.

### **How this initiative contributes to the corporate plan**

- The Homeseeker Plus Partnership supports the council's key corporate priorities of 'Increasing the supply of housing and investing to build resilient communities' and 'Delivering services to meet the needs of our residents and communities'. The proposed policy changes will provide greater consistency over how the policy is interpreted across the districts, whilst ensuring that we make best use of our affordable housing provision in terms of meeting local housing need.

### **Consultation and feedback**

- These proposals have been developed in collaboration with key stakeholders, and the other local authorities and housing providers who make up the membership of the Homeseeker Plus Management Board. It is proposed that the next steps will be to take the proposed changes out to consultation in order that we can establish a fully informed local policy position.