

Cheshire West & Chester Council

West Cheshire Homes Allocations Policy Local Connection Criteria and Exemptions



Local connection qualification rule

(Taken from Allocations Policy 2021-26 – Pages 14-17)

Only those applicants with a local connection to Cheshire West and Chester and who also have an assessed housing need, as defined by this policy, are eligible to be included on the active bidding register (bands A and B). This means they will be able to participate in bidding for accommodation. There are some properties that may be subject to additional local connection requirements however, these will be clearly stated in the advert where this is the case.

To demonstrate a local connection to the borough an applicant must meet one of the following criteria:

- 1) Have lived in the area continuously for the last two years and that residence was of their choice, or
- 2) Be employed in permanent employment in the area. Employment is defined as paid employment for 16 hours or more per week for a period of one year, or self-employment where an applicant can demonstrate that the self-employed work they perform is in the Cheshire West and Chester area and is on average 16 hours a week or more. The employment must be based on their actual place of work in the area and not based on a head office or regional office situated in the area but from which the applicant does not work. Where working hours fluctuate i.e. casual or zero hours contract, an average will be taken over the last three months, or
- 3) Have close family (normally mother, father, brother, sister, son or daughter) that have lived in the area for a minimum of the past five years. In addition, the circumstances must be that the applicant needs to give or receive essential support for the foreseeable future. It is for the Council to assess and decide if the claim of support to be received or given is essential. The Council will consider whether there are exceptional circumstances where other family members may be considered as close. For example, the circumstances where a person was brought up by an extended family member in the absence of their own parents. The level of support required must be significant and cannot be short term or low level for example to carry out shopping once a week. Evidence will need to show there would be savings to the public purse i.e. via the health budget or reduced pressure on the care system, especially where there is no existing support package in place, or
- 4) Where there is an exceptional need to move to the area as determined by the Council for very special circumstances.

For the purposes of determining local connection the Council will include:

- 1) Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site in the area, or an official pitch.
- 2) People who are forced to sleep rough in the area. However, they would still be required to meet the qualification period for residency.

An applicant will retain their local connection where they have left the area due to:

- 1) Being in hospital.
- 2) Having to move out of the area for care.
- 3) Being accommodated in supported accommodation outside the district.
- 4) Having been placed into temporary accommodation outside of the area by the Council.

Local connection exemptions

The only exemptions to the above are as follows:

- 1) The applicant is homeless, and Cheshire West and Chester Council have accepted a full duty to them under the Housing Act 1996 (as amended) Section 193(2).
- 2) Applicants who are owed a Section 189B relief duty by the Council for as long as that duty is owed to the applicant.
- 3) Applicants owed a Section 195 prevention duty by the Council for as long as that duty is owed to the applicant. There is an exemption to the qualification rule for applicants to whom Cheshire West and Chester Council has accepted a homelessness duty under Section 189B(2) or 193 (2) of the Housing Act 1996 because either a) they have a local connection with the Council under the definition of local connection set by Part 7 of the Housing Act 1996 but do not otherwise meet the local connection criteria for joining the register or b) they do not have a local connection with this Council but do not have a local connection with any other area therefore remain the responsibility of this Council.

There is, however, no exception for applicants owed any homelessness duty by any other council and who have:

- a) Been placed into temporary accommodation by another council in this district, or
 - b) Been placed into private rented accommodation of any tenure in this district by another local authority to end any homelessness duty owed to that applicant. A homeless duty includes any accommodation to end a Section 195 prevention duty, Section 189B relief duty, any Section 193 duty or to meet any intentional homelessness duty under Section 190 of the Housing Act 1996 Part 7. These applicants will be regarded as non-qualifying persons regardless of the length of time they have been placed unless the period of time is longer than three years since they were placed, or
 - c) Do not reside in the district but have applied to join the Council's housing register but are owed a statutory homeless duty by another local authority. Households owed a homeless duty by any other local housing authority under the Housing Act 1996 Part 7 (this includes households owed a Section 188, 190, 198, 195, 189B, 193(2) or 193C(4) duty) will be regarded as non-qualifying persons regardless of whether they have been placed in this district or not. This rule is justified because that other local authority retains the responsibility for housing or helping the applicant to obtain housing.
- 4) Where there are significant and special circumstances with overriding reasons requiring the move into the area the Council will consider exempting an applicant from the local connection rules. This will be decided on a case by case basis

following a request from the applicant or from the information submitted on their housing register application. Examples include:

- a) Reasons of safety; i.e. when an applicant is suffering from domestic abuse or hate crime from another area, or
- b) Is on a witness protection program, or
- c) Whereby not moving to the area this would be detrimental to their wellbeing or cause significant hardship.

This will require approval from the service manager.

- 5) Applicants who are leaving an institution such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme and were resident in settled accommodation within Cheshire West and Chester for the two years immediately before they moved into their current accommodation will be allowed to qualify as an exception to the two continuous years rule.
- 6) The Council will consider under exceptional circumstances any application from a Gypsy or Traveller household that does not meet the continuous period of residence rule, as the period may have been broken by periods of travelling. The Council will consider the facts of each case to decide whether circumstances are exceptional and will make its decision in full consideration of the policy intention behind the local connection qualification rule, which is that, due to there being limited social housing resources available in the district, the Council wishes to prioritise offers of social housing to applicants who have a strong connection to the area based primarily but not exclusively on residence.
- 7) Care leavers below the age of 21 years who are owed a duty under Section 23C of the Children Act 1989 by any local authority Children Services Department and have been accommodated within Cheshire West and Chester for a continuous period of at least two years (including some time before they were 16 years of age).
- 8) Applicants that satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012. These are:
 - a) Applicants who are serving members of the regular armed forces.
 - b) Applicants who served in the regular armed forces within the five years immediately prior to the date of their application.
 - c) Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service.
 - d) Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner.
 - e) Applicants who are recently divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence.
- 9) They satisfy the right to move criteria: the Right to Move qualification regulations 2015 state that local connection criteria must not be applied to existing social tenants who seek to move from another local authority district in England and who have a need to move for work-related reasons to avoid hardship.

To qualify the applicant must:

- a) Be a social housing tenant living in England.

- b) Wish to join the housing register in Cheshire West and Chester due to work-related reasons to avoid hardship and can provide evidence of their hardship that is acceptable to the Council.
- c) Satisfy the Council that they need, rather than wish, to move for work-related reasons and that if they were unable to do so, this would result in hardship.

In determining whether the tenant needs to move, the Council will consider the following factors:

- a) The distance and/or time taken to travel between work and home.
- b) The availability and affordability of transport, taking into account level of earnings.
- c) The nature of the work and whether similar opportunities are available closer to home.
- d) Other personal factors, such as medical conditions and childcare, which would be affected if the tenant could not move.
- e) The length of the work contract.
- f) Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects.