



**Sub Regional Choice Based  
Lettings**

**Allocations Policy**

**Preston, South Ribble and  
Chorley Councils and Partner  
Registered Social Landlords**

**December 2009**

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Note: Throughout this document we refer to All Local Authority (LA), Registered Social Landlord's (RSL), Large Scale Voluntary Transfer (LSVT), Private Rented Sector (PRS) and other participating organisations as Partner Organisations (Partners). People seeking access to social housing for rent or low cost home ownership options are referred to as "customers"

This allocation policy represents the Allocations Policy of the following Local Authorities:

Preston  
Chorley  
South Ribble

The following partners have also committed to adopting this scheme as their policy for allocating 100 % of their properties within the agreed sub region:

Registered Social Landlords  
Community Gateway Association  
New Progress Housing Association  
Manchester and District Housing Association  
Adactus Housing Association  
Chorley Community Housing  
Accent Foundation  
Contour Housing

Each of these organisations is a partner organisation of Select Move, hereafter referred to as the Partner.

Any RSL with stock in a Local Authority area who are not part of this scheme will be subject to local nomination agreements. Any applicants will be assessed in accordance of this policy.

## **1.0 Policy Statement**

The aim of the Allocations Policy is to ensure that homes are allocated to eligible people in a fair, consistent and accountable way according to their housing needs and choices and having regard to the communities in which the homes are located.

The partners are committed to equality of opportunity and anti-discriminatory practice in service provision and seek to promote social inclusion. Applicants who are seeking, accessing or applying will not be discriminated against on the grounds of race, colour, ethnic or national origin, disability, religion, age, gender, sexual orientation, marital or employment status.

Partners will ensure that everyone has an equal opportunity to seek, access or apply to the service and is responsive to any special needs of applicants.

## 1.1 Policy Aims

The overall aim of the policy is to offer applicants real housing choice, while continuing to give reasonable preference for re-housing to those in the most urgent housing need.

The Policy's key objectives are to:

- Foster partnership working with other registered social landlords (RSL), local authorities and other agencies and voluntary organisations working in the sub region.
- Change the lettings culture from gate keeping to applicant choice and empowerment
- Create and stimulate new markets and interest in rented housing in the sub region to tackle problems of empty and unpopular stock as well as sustaining demand for popular areas
- Increase housing opportunities for people in the sub region
- Ensure that the partners fulfil nominations agreements with local authorities.
- Ensure that support is provided for vulnerable people with special needs and that extension of choice to these applicants promotes wider social inclusion.
- Ensure that those in the greatest housing need are prioritised e.g. applicants whose living conditions are unsanitary, overcrowded or in unsatisfactory housing conditions.
- Meet the Tenant Services Authority and other statutory obligations including Good Practice Note 8.
- Develop and support sustainable communities that contribute to sustainable regeneration.
- Increase customer satisfaction through a one stop approach
- Ensure applicants are treated fairly and sensitively
- Support and contribute towards local authorities strategic objectives
- Comply with the Commission for Race Equality Code of Practice on race equality in housing by ensuring that ethnic minority applicants are re-housed in proportion to their representation among applicants taking into account different preferences and needs.
- Balance housing needs against applicants aspirations
- To work towards the development of a common disabled adaptations register and allocation process

## **2.0 Monitoring and Reviewing the Scheme**

Select Move CBL scheme Steering Group comprises of representatives from the Partners and will meet no less than 6 times a year to monitor the operation of the Sub-Regional CBL Policy by regularly reviewing the Policy to ensure that it meets its stated objectives and complies with legislative changes.

Rigorous and robust monitoring of the Select Move CBL Policy is essential to ensure that, in practice, the Select Move CBL scheme:

- Meets the stated aims and objectives
- Demonstrates trends that are legally compliant relating to the preference given to applicants, i.e. ensuring that applicants with one or more reasonable preference qualification are awarded the priority the law entitles them to.
- Adheres to Equality and Diversity standards
- Complies with allocation and related legislation

## **2.1 Administration of the Scheme**

Select Move Choice Based Lettings (CBL) scheme through its Partners will administer the waiting list for properties in the form of the Common Housing Register (referred to as the CHR). This is a single register for both new applicants who want to move into a property and existing tenants seeking to transfer.

The CHR is divided into 5 Bands according to housing need, with the Band A awarded the highest priority and Band E the lowest. Applicants are prioritised within the bands according to their individual needs, circumstances and waiting time. (See section 6.0).

Select Move CBL scheme follows the Code of Guidance published in August 2008 by the Communities and Local Government (CLG).

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

In order to promote choice to applicants, Partners will advertise available properties using a variety of methods. People wishing to be considered for a particular property express their interest by placing a 'bid' often called an 'expression of interest'. Expressions of interest will be prioritised by a transparent system that uses five Priority Bands to reflect need, and an 'effective date' that usually reflects the time spent in a particular band, to differentiate between households with the same level of need. At the end of each advertising cycle there will be a 'Unique Queue' for each property and unless there are valid reasons not to, an offer of a tenancy will be made to the applicant who has made a bid and is at the top of this queue. Additional information on how the Select Move Scheme will operate is detailed later within this Policy.

It is the purpose of Select Move's CBL Scheme Policy that wherever possible, applicants requiring social housing should be able to choose the properties they wish to be considered for from those that will be advertised. However, there may be some circumstances that mean it will be necessary to make a 'direct offer' of a property to a particular household, without that property having been advertised. Such circumstances may include offers made to discharge a Council's statutory duties. (See section 20).

### **3.1 Moving Across Local Authority Boundaries**

The partnership is committed to promoting applicants choice and enabling those who need to move to other Local Authority Boundaries the ability to do so. The Partnership also wants to build strong local communities and ensure that local people stay in their community. For this reason, within each Local Authority Area, there will be a proportion of homes, which are only available to local residents, and these will be clearly identifiable when advertised.

Partners may, in the interests of promoting balanced and sustainable communities, develop local lettings policies for specific areas, estates or blocks. Local lettings policies may include, for example, age restrictions, a desire to encourage more employed tenants to live in a certain area and to promote key workers living locally. The decision to implement a local lettings policy will have to be approved by the individual's partner's board/ committee. Any decision to implement a local lettings policy will always take into account the implications for equal opportunities and the need to ensure that the Council's nominations meet the allocation needs of those owed a reasonable preference.

### **3.2 Local Authority nominations**

The scheme applies to partners and all those properties to which any of the Councils have rights of nomination (whether by way of a legally enforceable arrangement or not) of the tenant. Properties to which the Local Authority has rights of nomination of the tenant include properties owned by the participating RSL listed at page 3. The participants are obliged to advertise vacant properties in accordance with this policy.

An applicant can apply to any of the participating housing organisations involved. Where the organisation is not an LA, it will assess the applicant on behalf of the local authority; they do not need to apply directly.

The LA's also hold nomination rights with RSL who do not participate in this scheme. Select Move applicants may be nominated for available properties to non partner RSL's. Applicants eligible for a property will be deemed ranked for nomination by priority band and within bands in date order for qualifying for that band.

This Allocations policy supersedes previous nominations agreements for RSL's within the partnership.

### **3.3 CONSULTATION**

Any significant changes to this policy will need to be approved by the relevant committee or portfolio holder for each participating local authority. The relevant decision-making bodies of RSL's, namely the Board, will also need to consider and endorse any changes that the partners agree to make to the policy. Any significant changes will also be subject to consultation with relevant statutory and voluntary sector organisations and tenant representatives.

The Select Move scheme is subject to a Sub Regional partnership agreement, which ensures that the scheme is kept up to date and meets regional and national best practice guidelines. The Select Move Scheme will be managed by a Steering Group made up of the appropriate senior managers from all the Partners'. The group will meet at least quarterly to ensure continuous dialogue between partners and:

- Compliance with CLG guidance, legislation and any new case law
- Compliance with and reports to TSA requirements
- Publication of indicators and statistics relating to allocations and completed lettings
- Publication of reports monitoring equality and diversity of service delivery
- Compliance with any promises and commitments made locally
- Quality assurance of the scheme
- Commissioning of periodic audits of the scheme
- Compliance with statute
- Agree future funding for the scheme

#### **4.0 How to Apply**

Applicants can only be placed on the Common Housing Register with Select Move CBL Scheme by completing the Select Move Housing Application Form. These forms can be obtained by telephone request on 0800 655 6785. Forms can also be downloaded or applicants can apply online from our website at **[www.selectmove.co.uk](http://www.selectmove.co.uk)**

Applicants will be able to register an interest in a home by several methods:

- Automated Telephone Service (24 hours)
- Website (Selectmove.co.uk)
- Email to any partner organisation through the Select Move website
- In person at any partner office
- Automated Text by mobile phone (24 hours)
- Kiosk (14 across Preston)
- Digital TV (24 hours)
- Partner contact centres
- Agency / Advocate

All printed information is available on request in Braille, Large Text, Audio and translations can also be arranged on request. Additional support is available for those who need special help and to vulnerable people through:

- The availability of interpreters/Language line, including British Sign Language and a loop system is available at all applicant contact Points
- Translation of documents
- Face to face office interviews to offer housing advice and/or help and support with completing forms
- Home visiting service for people who are unable to come into our offices



- Auto Bidding

People requiring such assistance should contact 0800 655 6785.

### **How the Scheme will operate**

Applicants who join the CHR are placed in one of five bands to reflect their housing need.

- Vacant properties that become available under the Choice Based Lettings Scheme will be advertised weekly. A lettings cycle will start on midnight Friday and will end at 12am the following Wednesday. No expressions of interest will be allowed on the Thursday or Friday at the end of a lettings cycle. Lettings cycles may be changed to reflect public holidays.
- Applicants can only express an interest in homes advertised which they are eligible for. For instance, they must meet the property criteria (i.e. any age restrictions.).
- There will be no restriction on the number of expressions of interest.
- Once the deadline of the advertising cycle is reached, a shortlist of the applicants who have expressed an interest is provided by the IT system Abritas.
- The CBL Policy is then used to determine who is prioritised for housing from the shortlist.
- The selected applicant will receive a formal offer of the property.
- Following acceptance of the offer, the tenancy will commence when the property has reached the Partners letting standard.
- Reasonable Preference qualification is awarded the priority the law entitles them to.
- Adverts will adhere to the scheme's Policy on Equality and Diversity standards
- A property that has been advertised once and has failed to attract a suitable applicant will be designated as "Open Market Property". An open market property will be offered to the first applicant to express an interest who meets the minimum eligibility requirements for the vacancy.
- Senior management of the Partners may on occasions authorise relaxation of certain criteria attached to a property and/or applicant to enable an "Open Market Property" to be let.
- Feedback on lettings will be made as soon as the property has been let and displayed on the website and the subsequent Newsletter.
- Feedback will include information about the priority and effective date of the selected applicant, but not any personal information relating to them.

## **Management Discretion**

There will be certain circumstances when vacant properties will not be advertised in the normal way, herewith referred to as management lets. The following are situations where the Partners may need to use vacant properties for specific management purposes and the qualifying person will normally receive one reasonable offer of accommodation:

- People having to move from areas affected by major repairs or demolition
- Emergency Plan Re-housing (for example accommodation which may be required following fire, flood or other major incident)
- Witness Protection Scheme
- Other very exceptional housing management or social need reasons i.e. Domestic Violence Cases

### **4.1 Getting Registered**

The Application form will require applicants to provide information that will enable a Partners' staff to determine eligibility and assess priority for re-housing. Applicants will also be asked whether or not they are interested in other options such as Shared Ownership or Private Rented Housing.

Applicants will be expected to sign a declaration to:

- Confirm that the information given is correct and that the applicant will notify Select Move CBL Scheme of any changes in circumstances. This may change their priority, need and their banding.
- Confirm that applicants will allow Select Move CBL Scheme Partners staff to make enquiries into their circumstances for verification purposes.
- Give consent to provide information to another Partners who is also actively participating in the scheme.

The registration process also involves verification checks. Checking if the applicant is Eligible via:

- Assessing if the household is in housing need and subsequently awarding one of the priority bands.
- Sending out a request for references, which must be a current or most recent landlord, if the applicant lives in social rented accommodation. NB. If a customer has not had a previous social landlord, references will not be required.
- Requesting information about current or former tenant arrears and history of payment.
- Requesting information about any current or previous anti social/criminal activity.
- Transfer applicants will be expected to have a clear rent account and their home and garden must be in satisfactory condition at the point of offer. In cases of vulnerability or domestic violence each partner organisation may vary this requirement.

Applicants will be unable to express an interest until these checks have been carried out and the applicant has been deemed suitable.

## 4.2 Eligibility

Those who may apply for registration on the scheme are:

- A tenant of a Partner Organisation
- Anyone aged 16 or over\* unless:
  - They are 'Persons from Abroad' who the Secretary of State for Communities & Local Government has deemed ineligible for an allocation of housing accommodation.
  - They, or a member of their household, have been proven guilty of serious unacceptable behaviour and they are not considered by the Select Move CBL Scheme to be suitable tenants.

\*NB. 16 & 17 yr olds can apply to go on the register, but will not be made an offer of a tenancy without evidence of an appropriate support package being in place.

Applicant checks will be carried out at the time of application on all members of the household applying to be re-housed. These checks will be made to confirm:

- Identity e.g. passport, Identity Card (issued to certain Foreign Nationals), photo-driving licence, birth certificate or written confirmation from a professional person or support agency
- Social housing landlord references (where the applicant has previously held a social rented tenancy)
- Police checks where applicants have indicated an "unspent" conviction or a partner has reason to believe that information has been withheld on the application form.
- Applicants have a responsibility to inform a partner of any change in circumstances which may affect their eligibility.

Part 6 of the Housing Act 1996 as amended by Homelessness Act 2002 (Section 160A (7)) allows the local authority to treat a person as ineligible where:

*"The applicant, or any member of his household, has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant"*

*"And at the time of the application, the customer is still unsuitable to be a tenant because of that behaviour"*

Unacceptable behaviour is defined as that which, if the applicant was a secure tenant, would entitle any Landlord to a possession order under the grounds for possession in the Housing Act 1995, Schedule 2 Part 1, other than Ground 8. This covers the behaviour of both the applicant and his or her household. Applicants refused inclusion on the register because of their behaviour will be notified of that decision in writing and the grounds for it and have the right to request a review.

Unacceptable behaviour includes, but is not restricted to:

- Harassment
- Violence
- Drug Dealing
- Eviction for anti-social behaviour or subject to an ASBO or ASBI
- Domestic violence
- Using the property for illegal or immoral purposes
- Non-payment of rent

Each application to the CHR will be considered individually and in deciding whether a applicant is ineligible, we can only consider behaviour that would have entitled us to seek a Possession Order had the customer been a secure tenant at that time. In addition, the behaviour must have been serious enough that the outright order for Possession would have been gained.

**N.B. It does not matter whether or not the applicant was in fact a secure tenant or not. This is a notional test.**

Select Move CBL Scheme Partners' must also consider whether at the time of the application the applicant is still unsuitable to be a tenant, because of that behaviour.

Failure to disclose an 'unspent' conviction can lead to an application being suspended or a tenancy being terminated should the information subsequently come to light.

The decision that a applicant is ineligible will be made by the Partners' where the application was originally submitted.

Select Move CBL Scheme Partners will write, giving reasons to applicants deemed ineligible to join the Register. Customers who are considered to be ineligible due to unacceptable behaviour have the right to request a review of that decision. (Section 7.0 – Requesting a Review).

Providing these checks are satisfactory the applicant will then be accepted on to the scheme.

At the offer stage a further check will be carried out to check for any change in circumstances plus additional Police Check to ensure no further relevant convictions or anti-social behaviour needs to be taken into account since registration on the scheme.

Applicants who do not comply with the Eligibility Criteria at **Appendix C** will not be registered onto the scheme until they have addressed satisfactorily the reasons for reduced or no preference.

### **4.3 Confirmation of Application**

When an application to join the Select Move scheme has been accepted, applicants will receive written confirmation and be notified of:

- Their unique registration number
- Their current priority band status
- The date application on the scheme commenced (or the date the priority status was awarded)

If a applicant feels that any details are incorrect, they should contact a Select Move CBL Scheme Partner. If a customer feels that they have been placed in the wrong band, they will be given the opportunity to ask for a review of the priority awarded with the registering partner.

### **4.4 Joint applications**

A applicant may include anyone on their application form who may reasonably be expected to live with them. Where more than one eligible applicant wishes to have a shared application they will be joint applicants.

### **4.5 Closing an application**

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

- At the applicants' request.
- If the applicant becomes ineligible for housing.
- When the applicant has been housed through the scheme.
- When a tenant of social housing completes a mutual exchange.
- Where an applicant does not maintain their application through the re-registration process, or where they move and do not provide a contact address.
- If the applicant fails to respond to a request for further information within 28 days.
- If the applicant fails to respond to an offer of accommodation within the period stated on the offer letter the offer will be made to the next household on the list.

Should an applicant whose application has been cancelled wish to re-join the housing register they will receive a new effective date according to the Select Move CBL Policy. However, if an applicant contacts the Partner within 3 months of the closing of their application, the application can be reinstated without the loss of their waiting time.

### **4.6 Vulnerable Applicants**

Each Partner is committed to equality of access to the Sub regional CBL Scheme, customers with special needs or who are vulnerable will be provided with appropriate assistance to ensure that they:

- a) Understand how the choice based lettings scheme works
- b) Have information on vacancies that are available in any lettings cycle

- c) Can express an interest in any vacancy advertised
- d) Understand the feedback on completed lettings cycles
- e) Understand the priority banding system
- f) Know how to obtain advice and assistance
- g) Understand the appeal process and can access such a process
- h) Understand the offer process and their responsibilities as a future Tenant

#### **4.7 Serious Offenders**

It is sometimes necessary to provide housing, which will minimise the risk to the community and where supervision of the individual can be maintained. This may also apply to individuals currently living in the community who are considered to pose a risk to themselves and/or others, although they have not been convicted of an offence.

Partners will work with the Police and Probation Services to assess and manage risk and apply special arrangements where cases are referred through the Multi-Agency Public Protection Panel (MAPPA) or the Probation Protocol. Officers will attend case conferences with the Police, Adult Social care and Health professionals. A planned and managed relocation pathway including a full discussion of a range of housing options which are most appropriate to the applicant's circumstances and supervision needs will be carried out and may result in restrictions being placed on the choice of property or area that is open to an applicant. Where this is the case, the applicant will be advised of the restrictions, but will whenever possible be given the opportunity to exercise some choice.

#### **4.8 False or Withheld Information**

Under Section 171 of the Housing Act 1996, it is a criminal offence for applicants knowingly to give false information or to withhold information relevant to their application. An offence may be committed if an applicant knowingly gives false information or knowingly withholds information which has reasonably been requested on the housing registration form, in response to correspondence at the renewal of the application, or relating to any other review of the application. An offence is also committed if the applicant allows a third party to provide false information on his or her behalf, or at his or her instigation. In these circumstances action may be taken with regard to the tenancy awarded and or their application.

#### **4.9 Change of Circumstances**

Applicants are required to notify a Partner in writing of any change in their circumstances, for example:

- A change of address for themselves or any other person on their application
- Any additions to the family or any other person they would wish to join the application (N.B. it is for the Partner to decide whether they will allow a person(s) to join the application.)
- Any member of the family or any other person on the application who has left the accommodation
- Any other change of circumstances which may affect eligibility or banding.

## **4.10 Review of Applications**

Each application on the Housing Register will be reviewed at least annually, on the anniversary of its entry on the register. Should an applicant initially fail to reply to their annual review, their application will be closed. If good reason can be shown why they failed to respond to the review the application may be reinstated within 3 months.

If the applicant fails to respond to an offer of accommodation within the period stated on the offer letter the offer will be made to the next household on the list and the renewal process will be initiated.

## **5.0 Owner Occupiers**

Applicant's financial circumstances will be taken into account in assessing the priority they may receive through this Allocations Policy even if they qualify for consideration under one or more reasonable preference categories. Where an applicant is considered to be in a position to provide their own accommodation, they may be offered the opportunity of an alternative housing solution when advised on housing options. Owner-occupiers who are adequately housed or with the resources to secure accommodation locally, would normally not attract any priority under the Select Move Scheme. This would also apply to applicants with financial resources sufficient to secure and maintain alternative accommodation. Each case will be assessed on its individual circumstances.

### **5.1 Local lettings Policies**

Partners may draw up "Local Lettings Policies" where either local tenants, or partners in the scheme, recommend a policy that would benefit the local community.

The aims of Local Lettings Policies would be to address imbalances in the community. Local Lettings Policies will be subject to a review at least every 12 months, or as and when changes in the community necessitate such a review. Local Lettings Policies will be formally publicised to ensure fair access to all applicants. Local Lettings policies will take into account the agreed quota's of the Local Authority.

### **5.2 Deliberately Worsening Circumstances**

If a Partner is satisfied that an applicant has deliberately worsened their circumstances to gain extra priority on the Register, they will be assessed based on the circumstances before their situation changed.

Examples of this are:

- An applicant moving from available accommodation that was suitable or more suitable for them than the accommodation they have moved into, and which it was reasonable for them to have continued to occupy
- Homeowners who have transferred their property to another family member within the last five years from the date of application

- Applicants who have dispersed or deprived themselves of assets which could have reasonably been used to secure housing within the last five years from the date of application
- Applicants who have moved family members or others into a property unsuitable for their needs, when suitable accommodation was being occupied by them elsewhere resulting in overcrowding

## 6.0 Calculating which Band

### 6.1 Band A

<b>A: Urgent Need Band</b>	
Medical/Welfare Grounds RP D  GLOBAL	<ul style="list-style-type: none"> <li>• An immediate life threatening or progressive condition which is seriously affected by the current housing and where re-housing would solve or alleviate that medical condition or make it significantly easier to manage.</li> <li>• A member of the household seeking accommodation cannot be discharged from hospital or rehabilitation accommodation until suitable housing is provided and:               <ul style="list-style-type: none"> <li>• The household had settled accommodation in a Partners' area prior to hospital admission.</li> </ul> </li> <li>• A member of the household is elderly, disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable that person to remain living at home.</li> <li>• The household seeking accommodation has welfare needs so severe that the protection of <b>vulnerable adults or children</b> is only possible if the household were to move to a new home and where the present circumstances could deteriorate to such an extent as to place household members at risk, or in need of residential care unless re-housing is offered.</li> <li>• Applicants' who need to move to a particular locality where failure to meet that need would cause hardship to themselves or to others.</li> </ul>
Care Leavers  RP D  GLOBAL	<p>Care leavers who are threatened with homelessness and who will continue to be supported by their local Leaving Care Team assessed through the agreed protocol.</p> <ul style="list-style-type: none"> <li>• Applicants are awarded this category in accordance with protocols between the Council's Housing and County Council Children Services Department. Applicants must</li> </ul>



	<p>be a former relevant child as defined by the Children Leaving Care Act 2002. They must have vulnerability and urgent housing need that is best met by the provision of long term settled housing</p>
<p>Release Adapted properties (RP-E) GLOBAL</p>	<ul style="list-style-type: none"> <li>• Where a Partner tenant does not require a specially adapted property for disabled use, and there is demand for its use.</li> </ul>
<p>Exceptional need to move, determined by partners with agreed procedures (RP-D)</p> <p>Domestic Violence/MARAC, Racial, Homophobic or Transgender Harassment, witness or child protection, management transfers</p> <p>RP E</p> <p>GLOBAL</p>	<ul style="list-style-type: none"> <li>• Agreed in exceptional circumstances due to significant problems associated with the tenants' occupation of a dwelling in the social or private rented sector and there is high risk to the tenant or their family's safety if they remain in the dwelling/areas. For social housing tenants transfers will be to properties of the same size and type where required, but locations or areas are likely to change. A list of cases that could qualify is detailed in the policy.</li> <li>• Emergency need to move due to exceptional circumstances where there is high risk to the tenant or family's safety if they remain in the dwelling/area. Urgent management transfer cases accepted by a participating landlord or waiting list cases accepted by a participating Local Authority.</li> </ul>
<p>Statutory overcrowded (RP-C) GLOBAL</p>	<ul style="list-style-type: none"> <li>• Those that are statutory overcrowded as defined by the Housing Act 2004</li> </ul>
<p>Private Sector properties unsanitary or unfit. (RP-C)</p> <p>GLOBAL</p>	<ul style="list-style-type: none"> <li>• A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004</li> <li>• They are a private sector tenant and the Council's Public Health Team has decided that the property poses a category 1 hazard under the Health and Safety Fitness Rating and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a risk to the applicants health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period</li> </ul>
<p>Supported Accommodation (RP-E)</p> <p>GLOBAL</p>	<ul style="list-style-type: none"> <li>• Applicants' leaving supported accommodation and have been assessed by the support provider as ready for independent living by the approved route in each local authority and the resulting vacancy can be used by someone else who needs the support.</li> </ul>

## 6.2 Band B

<p><b>Band B:</b></p> <p>Homeless Households owed a full homeless duty under section 193(2) or 195(2) RP B</p> <p>LOCAL</p>	<p>Statutory Homeless Cases accepted by Local Authorities within the Scheme</p>
<p>Under Occupying RP E</p> <p>GLOBAL</p>	<p>Tenants of the partner Housing Associations under occupying family accommodation by two or more bedrooms in comparison with the Bedroom Standard and moving will free up accommodation required. Or Tenants of a partner organisation seeking a move to non family housing that will free up a house to enable use by a family.</p>
<p>Over Crowded by the bedroom standard for overcrowding RP C</p> <p>(Refer to 5.3, if accepted) GLOBAL</p>	<p>Applicants who need to move due to severe over crowding – short by 2 or more bedrooms.</p>
<p>Applicants living in unsatisfactory Housing that lack basic facilities RP C</p> <p>GLOBAL</p>	<p>Applicants without access to any of the following:</p> <ol style="list-style-type: none"> <li>1. Bath or Shower</li> <li>2. A toilet</li> <li>3. Cooking facilities</li> <li>4. Running hot water supplies</li> <li>5. Electric/gas needed for essential activities</li> </ol> <p>Subject to verification by the Local Authority.</p>
<p>Medical Mobility Cases / Medical grounds RP D GLOBAL</p>	<ul style="list-style-type: none"> <li>• Applicants who have an urgent need to move on medical grounds because their current home is having a severe adverse effect on the health of a member of the household but who do not qualify for Band A urgent medical priority.</li> <li>• The household includes a person who needs to access medical assistance on a regular basis and cannot do so, or it is unreasonable to expect them to do so, from the area in which they currently live.</li> <li>• The household includes a person who provides essential care to someone in another part of the region and they cannot deliver that care effectively from their current location</li> <li>• The applicant is elderly or disabled and needs to move</li> </ul>

	<p>to a specific area to receive essential care or support from a close relative who lives there. Supporting evidence must be provided.</p> <ul style="list-style-type: none"> <li>The household includes a child or young person with a disability or learning difficulty, who needs to access specialist education or training facilities and cannot do so from their present home. Supporting evidence must be provided.</li> </ul>
<p>Homeless Prevention option being chosen (RP-A)</p> <p>LOCAL</p> <p>Priority will be awarded by LA after a 3 month period.</p>	<p>An applicant has children or is pregnant, or is a single person who would likely to be found to be in priority need and the Council consider they will be physically homeless within 28 days and they accept a prevention option from the Council's Housing Options Team.</p>

### 6.3 Band C

<p><b>Band C</b></p> <p>Applicants who are entitled to reasonable preference as being non-priority homeless, intentionally homeless or homeless within the meaning of part 7.</p> <p>RP A - LOCAL</p>	<p>Applicants who are entitled to reasonable preference as being non priority homeless, intentionally homeless or homeless within part 7 of the Act. This will be assessed by the Local Authority.</p>
<p>Applicants living in Housing with children that lacks level access</p> <p>RP C</p> <p>GLOBAL</p>	<p>Applicants without ground level access or upper floor accommodation with children under the age of 10.</p>
<p>Homeless Prevention option being chosen</p> <p>LOCAL</p> <p>Priority will be awarded for a 3 month period.</p>	<p>An applicant has children or is pregnant, or is a single person who would likely to be found to be in priority need and the Council consider they will be physically homeless within 28 days and they accept a prevention option from the Council's Housing Options Team.</p>

### 6.3 Band D

<b>Band D</b>	
Applicants not assessed as being owed reasonable preference but who meet the partnership positive community criteria	<ul style="list-style-type: none"> <li>• Those employed or undertaking training within the borough to which they are applying</li> <li>• Transfer applicants of partner organisations with a positive tenancy history</li> <li>• Applicants that can demonstrate a contribution to the local community such as voluntary work. This could be specific to the area where the work takes place or could be tenants on an estate with positive work on that estate</li> <li>• Applicants with a family connection to the specific area required due to caring or specific support purposes</li> <li>• Applicants who are key workers</li> </ul>
GLOBAL	

### 6.5 Band E

<b>E Band</b>	
No priority Need	<ul style="list-style-type: none"> <li>• Applicants that do not qualify for additional preference but would like to move to alternative accommodation.</li> <li>• Applicants who will be awarded the reasonable preference that their needs warrant once they have complied with the criteria for the removal of reduced preference.</li> </ul>
GLOBAL	
Priority Status Reduced	

\* Please note that applicants who have been awarded the priority, because they need to move to a particular area or property type will only be valid for bids made on suitable properties.

### 6.6 Effective Date

On submitting an application an "Effective Date" will be awarded starting from the date the applicant is accepted onto the Housing Register. The effective date will determine an applicants 'Position' within a band and on the CHR, this will have an impact on the applicants waiting time for an offer of a new home. Applicants will have an Effective Date from the date the priority band was awarded.

However, applicants given priority because they are 'moving on' from supported housing will have an effective date of the date they moved into that supported housing scheme. The accommodation provider must supply this.

## **6.7 Moving up a band**

If a applicant moves up a band, then their Effective Date will be the date they enter the higher band, not the original effective date as this would give them unfair advantage over an existing applicant who is already in that higher band.

## **6.8 Moving down a band**

If the applicant moves down to the lowest band the original effective date will apply. E.g. original date the application was accepted onto the CHR. If the applicant moves down to any other band, the partners will take into consideration effective dates awarded for other reasons such as medical need.

## **7.0 Requesting a review**

Under the terms of this Policy, an applicant has the right to request a review of their application if they are not satisfied.

In order to request a review, the applicant, or an advocate, are advised to contact the Select Move Partner dealing with their application, within 28 days of the date beginning with the day on which he/she is notified of any decision giving the reason why the decision is wrong and the review will be based on that submission. The Local Authority will deal with any decisions about homelessness duty or housing options.

Applicants are advised to put any request for a review in writing but can do so in person or by telephone making it clear they wish to request a review. Should they require any assistance in doing so they are advised to speak to Select Move CBL Scheme or contact their nearest advice agency. The applicant will also be given the opportunity to submit any further information that they may want the reviewing officer to consider.

The review will be carried out by an appropriate Manager within the Partner organisation dealing with the applicant, in accordance with their internal review procedure. The review will exclude any staff that may have had any influence or involvement in the original decision.

The review is a reconsideration of the case and is not limited to the conduct of the original decision. The review decision will be made on the relevant information available at the time of the review. In addition to any information provided by the applicant, the Partner may ask for further information if this is needed to make a decision. The merits of each case will be considered on an individual basis.

Select Move CBL Scheme Partners' aim to complete all reviews within 28 days of all information being received by the reviewing officer unless a longer period has been agreed with the applicant.

The applicant will be informed of the outcome in writing. If the original decision is upheld, the applicant will be fully informed of the reasons for this decision. Each Partner will make the

applicant aware of any internal complaints process that is available should the applicant still be unhappy about the review decision. The review would normally be conducted as the initial stage of the partner organisations complaint process where the matter is not resolved at the review level.

## **7.1 Complaints**

The complaint will be dealt with by the Partner dealing with the applicant. Details of all complaints will be made available to the Select Move Steering Group to ensure consistency of decisions. This will happen at the final stage of the complaints and review process.

However, if the applicant is not satisfied with the way the complaint has been dealt with they can contact The Local Government Ombudsman or the Housing Ombudsman Service. (See appendix A)

## **7.2 Re-Assessment of Priority**

Each applicant's preference band maybe be reviewed and altered to reflect any change in circumstances. All applications will be subject to regular reviews to ensure that bids/expressions of interest are being made for suitable properties.

If statutory homeless applicants have not obtained accommodation using the priority status within 10 weeks, the review will take place to decide whether to extend the period. If not, priority status will be retained and waiting time will continue to accrue, but the Homelessness & Advice Team will make bids on behalf of the applicant for any suitable properties available. The applicant will be notified of any successful bid and, subject to rights of review under Part 7 of the Housing Act 1996, this will constitute an offer of housing as a discharge of the Council's homelessness duty. Should the applicant be rejected by the RSL under their own allocations' criteria, they will remain eligible for a further offer. If a suitable offer is refused, the homelessness duty will be discharged and the applicant will cease to have priority status and placed in the appropriate band according to their circumstances.

It is the applicants' responsibility to notify us of any changes to their circumstances which may affect their housing needs priority.

## **8.0 Quota System**

Partner organisations will allocate properties to each band by the following percentages;

Band A – All properties first preference

Band B 40% of remaining stock

Band C 35%

Band D 20%

Band E 5%

This will allow for those cases in urgent need to be rehoused as quickly as possible, however, it is anticipated that the numbers here will be minimal and allow for allocations on the percentages as detailed above on the remaining stock which reflect the urgencies of housing

need. Partners will take into account the area and type of property to give access to all applicants irrespective of their banding. Within in each band the applicant with the longest waiting time that meets the criteria set in the advert will be allocated the property.

All previous nominations agreements/rights will be accommodated within this policy.

Quotas will be revised in agreement with Local Authority's based on area, demand and need.

## 9.0 Advertising Guidance:

In certain circumstances properties will be advertised with the following in mind:

- To make best use of the available housing stock
- To ensure community sustainability
- To ensure that supported housing schemes include a balance of needs
- To help the local authority to fulfil its responsibilities to people in need

### Examples

- Size and composition of household that is eligible to bid (See Table 1- below)
- Minimum age for some flats and bungalows
- Preference given to applicants with a mobility difficulty who need ground floor accommodation
- Preference given to a applicant who needs any adaptations installed in the property – e.g. Level Access Shower
- Whether or not some pets may be kept in the property
- Section 106 restrictions e.g. only to be let to applicants currently living in the local authority area.
- Sheltered need identified

## 9.1 Table 1 – Property / Need

### Size of Accommodation

**Single people/Couples** One bedroom accommodation will be allocated unless one of the following circumstances apply:

- The need for an additional room for a carer is evidenced
- The applicant cares for children who live with them for part of the week (a consistent need for at least one half of each week) Evidenced by Court Order e.g. staying and access arrangements or parental responsibility agreement.
- The applicant has evidenced proof of pregnancy (e.g. MatB1)
- The applicant or household is currently living in a property with more than 1 bedroom and has been displaced by clearance initiatives. In these cases, entitlement would be for a 2 bedroom home.

## **Families**

Size of accommodation required:

- One room each for applicants over the age of 18 (a couple will be allocated one room).
- One bedroom for children of the same sex (maximum of two per room)
- One bedroom for children of different sex up to the age of 10 years old (maximum of two per room.)

In cases of large households minimum bedroom requirement may be waived in agreement with the household.

Estates/properties which are designated low demand can be under occupied by one bedroom or more in order to facilitate a Positive letting.

## **Adapted Properties**

Properties that have been adapted for someone with a disability may be offered directly to applicants known to require the adaptations concerned. The property will be offered, to the applicant identified as most suitable for the property. This may not be the person with the highest priority and oldest Effective date.

## **Sheltered Accommodation**

Sheltered Accommodation will normally only be allocated to applicants who are aged 60 or over. However in some case e.g. in areas of low demand, such properties may be advertised and let to people below the age of 60 in order to facilitate a Positive letting of the property. Priority will be given to applicants requiring a move within a sheltered scheme due to infirmity. All applicants will need to be assessed for the suitability for each partners sheltered schemes.

## **9.2 Homeless Applicants**

This section applies to applicants who are considered to be homeless under Part 7 of the 1996 Housing Act. Under the legislation set out in the Housing Act 1996, as amended by the Homelessness Act 2002, Local Authorities have a legal duty to make enquiries into an applicant's eligibility and whether any duties are owed under the Act to secure accommodation for applicants who are homeless or at risk of becoming homeless.

Local Housing Authorities will assess cases and provide housing options to attempt to resolve or prevent homelessness. If a homeless application is necessary, enquiries will determine what housing duty is owed.

## **10.0 One Offer Policy – Statutory Homeless Applicants**

The Select Move CBL Scheme will always aim to meet applicants' housing aspirations in terms of property type and location. At the same time however, choices must be balanced against homeless people's urgent need to move and the high priority awarded in recognition of this, as well as the pressures caused by demand on the local housing stock. Some areas and types of home are in extremely high demand and waiting times can be lengthy. Therefore, it may not always be possible to re-house people according to their preferred options.



In order to reduce waiting times and to facilitate choice, Statutorily Homeless people will retain their homelessness priority until they receive one suitable offer of accommodation.

*Homeless applicants have the right to request a review within the terms of the Housing Act 1996 (Part V11) as amended by the homelessness Act 2002 and appeal against any decision regarding their status or suitability of accommodations offered. The relevant Local Authority will make decisions relating to suitability in accordance with the legislation*

If a homeless applicant refuses a suitable offer, the Local Authority has no further legal duty to re-house them. They would lose their reasonable preference band and be re-assessed and placed in a lower Band according to their needs. They will still however, be able to make bids and receive offers in the same way as all other applicants on the housing register.

### **10.1 Proxy Bidding**

We acknowledge that there will be a number of vulnerable individuals and groups who may be in need of a proxy to make bids on their behalf. Suitable arrangements will be in place to allow for this with agreement reached with the applicant as to who can make bids on their behalf.

### **11.0 Positive Lettings**

It is the intention of Partners that the majority of properties becoming available in Preston, South Ribble and Chorley may be advertised and let via the Select Move CBL Scheme. There are however situations when a direct letting of a property will be made.

- Circumstances where there would be a risk to the applicant by being required to take part in the bidding process.
- Properties that have been fitted with 'level 3 Sanctuary' target hardening measures
- Homes that have been significantly adapted for a disabled person.
- New build wheelchair accessible homes
- Homes that are suitable for adaptation for an identified applicant with a disability and it hasn't been possible to identify an existing suitably adapted property
- Lettings made in partnership with other statutory or voluntary sector agencies to meet specific needs
- Extra Care/Very Sheltered Housing
- Succession of tenancy, mutual exchanges and transfers of interest made under a court order
- Family intervention tenancy schemes.
- Emergency Decants
- Management Transfers
- Furnished Tenancies

### **12.0 Making Offers**

In most cases the applicant who made an eligible bid and is at the top of the list for a property at the close of bidding will be made an offer of that property. Offers of accommodation will be made via the telephone where possible in order to speed up the process of re-letting empty homes. Applicants will be given a maximum of 48 hours in which to view and decide if they

wish to accept the offer and sign for the tenancy when the property is ready to let. If the property is not ready to let the Partner may agree to a longer timescale.

## **12.1 Circumstances That Will Result in No Offer Being Made**

There are however circumstances that may result in an offer not being made. These are:

- Since joining the scheme an applicant has become ineligible or is ineligible at the time of offer or sign up
- On verification of the applicants' details, the priority band was found to have been incorrectly awarded or they are no longer entitled for reasonable preference
- The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority
- The applicants circumstances does not meet the local lettings Policy
- The applicant does not satisfy the advertised lettings criteria for the property
- The applicant has been assessed as needing support to sustain a tenancy and such support is not in place, has been declined or cannot be arranged before the proposed tenancy commencement date
- The applicant could not be contacted by the landlord of the property
- The applicant has failed to maintain an agreed repayment plan
- The applicant has failed to carry out necessary repairs to their home for which they are liable

When an applicant has accepted an offer of a property, their application will be cancelled and it will be necessary to re-apply, should they wish to move again in the future.

## **12.2 Numbers of Offers and Restrictions**

In most cases applicants will be able to refuse an offer of a tenancy without affecting their priority band status. However, the following circumstances may result in their priority band being reviewed:

### **Awarded Band B Priority Because Of Homelessness**

Applicants awarded Band B priority because of homelessness will lose this priority status if they refuse an offer of suitable accommodation, whether made within the Select Move CBL Scheme or directly by a landlord. (See section on One Offer Policy) This includes offers of tenancies resulting from bids placed by a member of the Housing Options Team. (See also section on Suitability of Offers)

### **Awarded Band A Priority Because They Are a 16/17 Year Old Care Leaver**

Applicants Awarded Band A priority because they are a 16/17 year old Care Leaver will lose their priority status if they refuse an offer of accommodation for which the individual, or their proxy, has bid and which is considered by Select Move CBL Scheme, following discussion with the Leaving Care Team, to be appropriate for the young person concerned.

### **Awarded Band A Priority on Medical/Welfare Grounds**

Applicants awarded Band A priority on medical/welfare grounds will lose their priority status if they refuse an offer of accommodation for which they or their proxy has bid and which is considered by Select Move Scheme to meet their needs. A property will be usually considered to be a reasonable offer for this purpose if:

- It is of sufficient size to accommodate the applicants household
- The physical access to the property and the internal layout and facilities are appropriate
- The property was accurately described in the property advert

### **12.3 Cancellation due to No Contact or Repeat Refusals**

If a applicant does not reply to an offer within 48 hours the offer is deemed to be withdrawn and a further attempt will be made to contact them within 10 working days to ask if they want to remain on the CHR. If there is still no response, the applicant will be removed from the waiting list.

Where an applicant has refused two reasonable offers within the past 12 months the application **may** be closed and the applicant will be required to re-register, thus losing their time on the waiting list.

This is in place to prevent offers being made for properties they do not want and to keep the register up to date. By reducing wasted offers, waiting times will also be reduced for those people who do still need and want a home.

Where there are reasonable reasons for non-contact from an applicant or repeat refusal, or where there may be new information, a applicant can request to be reinstated on the Housing Register. Upon reinstatement to the register their original banding and effective date will be assessed.

Requests to be reinstated on the Housing Register must be made within 3 months of removal.

### **12.4 Care**

A carer is someone who, with or without payment, provides help and support to a partner, relative, friend or neighbour, who could not manage without their help. This could be due to age, physical or mental illness, addiction or disability. In all cases the carer must have been identified by the applicant as the person as who is primarily responsible for providing them with care and needing to live with them or near them.

Under some circumstances it may be appropriate to consider cases when the carer is not in receipt of Carer's Allowance. Under these circumstances it will still be necessary for the applicant to demonstrate that the person looked after is in receipt of one of the following benefits:

- Disability Living Allowance – paid at either the middle or higher rate for personal care

- Attendance Allowance
- Constant Attendance Allowance
- Disablement benefit

## **12.5 Sheltered Housing**

Applicants for sheltered housing must normally be aged 60 or over or have a need for sheltered accommodation due to vulnerability or disability. It is a condition of all tenancies in sheltered housing schemes that tenants agree to take the Support Service. Separate charges are made for these services on top of the rent.

## **12.6 Tenant Management Organisation (TMO)**

The allocation of housing accommodation by the TMO must be in accordance with Select Move CBL Scheme Policy under Part 6 of the Housing Act 1996.

TMO will agree to operate the Allocations Service in line with this Policy. Should the TMO at any time decide to alter this or introduce a Local Lettings Policy then agreement to do so must first be obtained from Select Move CBL Scheme Steering Group. Any scheme proposed must be mutually agreed.

Under these arrangements, the TMO should ensure that, overall, additional and reasonable preference is given to applicants in the categories listed and that the TMO has arrangements in place to monitor the allocation procedures and that these have been agreed with Select Move CBL Scheme Partners' Manager.

## **12.7 Equality & Diversity**

The aim of this policy is to ensure that the benefits of the Select Move choice based lettings system are accessible to all applicants. We aim to empower people to make their own choices and decisions and provide support to enable people to do so.

Through this policy and associated procedures we aim to give clear guidance to staff about ensuring and maintaining equal access to the choice based lettings scheme from many diverse groups in the community and that Select Move partner organisations values all customers regardless of their race gender or sexual orientation, and will endeavour to assist those vulnerable households who require assistance because of a disability or health issue.

## ***Appendix A***

### **Local Government Ombudsman**

The Local Government Ombudsman can be contacted at:

Local Government Ombudsman  
10<sup>th</sup> Floor  
Millbank Tower  
Millbank  
London, SW1P 4QP  
**Tel:** 020 7217 4620  
**Email:** [www.lgo.org.uk](http://www.lgo.org.uk)

If an applicant wishes to make a complaint against a scheme landlord (Housing Association or Local Authority) they should contact:

The Housing Ombudsman Service  
81 Aldwych  
London, WC2B 4HN  
**Tel:** 020 7421 3800  
**Email:** [www.ihos.org.uk](http://www.ihos.org.uk)

## ***Appendix B***

### **Ineligibility Criteria**

#### **1.0 Introduction**

- 1.1** The lettings policy aims to achieve fair, open and non-discriminatory allocations. We also recognise that in order to build balanced and sustainable communities regard must be taken of the issues that may exist in particular communities and the ability of future tenants to conduct their tenancy in a satisfactory manner.
- 1.2** The Housing Corporation Regulatory Code states that 'applicants are excluded from consideration for housing only when their unacceptable behaviour is serious enough to make them unsuitable to be a tenant and only in circumstances that are not lawfully discriminating'.
- 1.3** The ineligibility Criteria will be used to reduce the risk of letting properties to people who pose a significant risk or threat to the stability of their new community or to a partner organisation.
- 1.4** The policy will enable us to be clear about those applicants that we would deem as being ineligible for an offer of accommodation from a partner organisation and therefore receives reduced preference. In cases where the behaviour has not been serious enough to treat the applicant as ineligible reduced preference will apply and the applicant will be placed in Band E. It will be the applicant's responsibility to show that his/ her circumstances or behaviour have changed. Examples of the type of behaviour that could cause an application to receive reduced preference due to the behaviour of the applicant or a member of the applicant household can be found at Appenedix C.
- 1.5** In cases of serious unacceptable behaviour some applicants will have no preference until that behaviour is addressed. This will be assessed on an individual basis.

#### **2.0 Principles**

- 2.1** This policy will apply to all applicants for housing regardless of the source of their application or type of tenancy that they will be granted.
- 2.2** It also applies to anyone who is included on the application form.

#### **3.0 Statutory and Legislative Framework**

- Housing Act 1996 as amended by the Homelessness Act 2002
- Housing Corporation Regulatory circular 07/04

#### **4.0 Responsibilities and purpose of the ineligibility criteria**

- 4.1** To send out a clear message that all tenants are expected to conduct their tenancy in a way that does not cause nuisance or offence to their neighbours.
- 4.2** To reduce the incidents of anti-social behaviour and to achieve balanced and sustainable communities.
- 4.3** To ensure applicants understand their responsibilities to pay rent and service charges where they are due.
- 4.4** To achieve consistency of approach across all our stock and with other Registered Social landlords' in the areas in which we work.
- 4.5** To give individuals the opportunity to modify their behaviour.
- 4.6** To ensure that vulnerable applicants' cases are considered individually to ensure that their past behaviour does not put them at a disadvantage.
- 4.7** We will consider the level of unreasonable behaviour, its relevance and whether it would be grounds for seeking a possession order, or instigating other forms of legal action, had that person been a tenant of a partner of the sub regional scheme at the time.
- 4.8** All cases will be assessed individually and any extenuating circumstances will be taken into account when a decision is made. *E.g.:* Family Intervention Tenancies (FITS). In certain circumstances, a person may be allowed onto the housing register and be made active if they agree to a FITS and suitable support is provided.
- 4.9** All applicants given reduced preference or no preference on the CHR will be informed of the decision and given details of actions they need to take to be included in the future.

## ***Appendix C – Unacceptable Behaviour***

Unacceptable behaviour is defined as that which, if the applicant was a secure tenant, would entitle any Landlord to a possession order under the grounds for possession in the Housing Act 1995, Schedule 2 Part 1, other than Ground 8. This covers the behaviour of both the applicant and his or her household. Applicants refused inclusion on the register because of their behaviour will be notified of that decision in writing and the grounds for it and have the right to request a review.

Each application to the CHR will be considered individually and in deciding whether a applicant is ineligible, we can only consider behaviour that would have entitled us to seek a Possession Order had the customer been a secure tenant at that time. In addition, the behaviour must have been serious enough that the outright order for Possession would have been gained. **Please see section 4.2**

### **Anti- Social Behaviour**

Applicants or anyone who will be living with them who have had action taken against them for anti-social behaviour or have a history of anti-social behaviour any time during the two years prior to their application. There must be reasonable evidence of the anti-social behaviour.

The term 'action' involves any legal proceedings in relation to anti-social behaviour.

The term 'history' will be applied to any on-going anti-social behaviour for which there is reasonable evidence.

### **Racial Harassment**

Applicants who have had action taken against them or a history of any racially motivated offence, during the previous two years.

The term 'history' will be applied to any on-going racially motivated offence, for which there is reasonable evidence.

### **Homophobic Harassment**

Applicants who have had action taken against them, for any offence, where it was motivated by homophobia.

The term 'history' will be applied to any on-going homophobia for which there is reasonable evidence.



## **Criminal**

The individual whom is applying for accommodation, convicted of a 'serious offence' that has not been spent, and may pose a threat/risk to any partner to the scheme, the tenants of any partner to the scheme or the community in general. Examples include:

- Public Order offences, nuisance and vandalism.
- Dealing with controlled drugs.
- Burglary, robbery, theft.
- Domestic violence
- Violence.
- Schedule 1 offence(s). The MAPPA process should be instigated before these applicants are offered accommodation.
- Offences aggravated by racial or homophobic motivation.

## **Rent Arrears**

Applicants who have a current or former rent debt with either their current or previous public sector landlords.

N.B. Cases where applicants have been subject to domestic violence, racial harassment or some other forms of harassment will be considered on a case by case basis.

Applicants with arrears will be allocated a reduced preference until:

- the applicant has made, and maintained, an arrangement to repay the debt(s) for a period of three months for debts of £1,000 and under or six months for debts over £1,001
- the applicant has reduced the total debt by 50%

At the time of applicants being successful for an offer the officer will check that agreed repayment plans have been adhered to. Applicants who have failed to keep to the agreed repayment plan will be skipped on the shortlist and not made the offer of accommodation.

Officers have the authority to consider the circumstances surrounding individual cases.

## **Abandonment**

Applicants who have left the tenancy of a social landlord without providing advance notice of their intention to vacate and consequently have a debt(s) with a former landlord(s).

N.B. This may not apply to those applicants who have fled from domestic violence, racial harassment or some other forms of harassment.

The applicant will be allocated a reduced preference until any outstanding debt to the appropriate landlord(s) has been repaid in full or the applicant has made and maintained an arrangement to resolve the debt(s) for a period of 3 months for debts of £1,000 or under and 6 months for debts over £1,001 or reduced the total debt(s) by 50%.

Officers have authority to consider the circumstances of individual cases.

### **Misrepresentation**

Applicants who have knowingly or recklessly misrepresented their circumstances to obtain the tenancy of a social landlord.

Depending on the circumstances applicants will be allocated no or reduced preference.

## ***Appendix D***

### **Approved Supported Housing Schemes**

- Belgrave Court
- Haddon Lodge
- The Mill
- The Charnocks (teen parents)
- Supported lodgings
- South Ribble Women's Refuge
- Preston's Women Refuge
- Foundations /INN2
- Millbank Court

## ***Appendix E***

### **Reasonable Preference Categories**

**In assessing need reasonable preference will be given to those applicants who fall into one or more of the following categories (In line with the Homelessness Act 2002)**

<b>Category</b>	<b>Reasonable Preference Category</b>	<b>Band Awarded</b>
<b>Homeless people owed a full duty under part V11 of the Housing act 1996</b>	<b>B</b>	<b>B</b>
<b>Homeless Individuals (not owed a duty under the above act)</b>	<b>A</b>	<b>C</b>
<b>Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions</b>	<b>C</b>	<b>A , B or C depending on the severity as detailed below</b>
<b>Applicants who need to move on medical or welfare grounds or grounds of disability</b>	<b>D</b>	<b>A or B depending on the severity as detailed below</b>
<b>Those who need to move to a particular locality in the district where failure to meet that need would cause hardship to themselves or others</b>	<b>E</b>	<b>A or B as detailed below</b>

### **Additional Preference**

**Under section 167(2) of the Housing Act 1996 additional preference may be given to applicants in urgent housing need owed a reasonable preference. Reasonable preference will be given to applicants who demonstrate an urgent housing need , the criteria for when additional preference will be awarded is fully detailed in the relevant sections below**

**Following the House of Lords Newham v Ahmed allocation schemes are no longer required to apply cumulative preference and applicants will be prioritized on the basis of waiting time within the bands**

**Reasonable preference category A – People who are homeless (within the meaning of part 7 of the Act)**

This group comprises all households who are homeless under the definition of homelessness contained in sections 175 -177 of the Housing Act 1996 Part 7 whether or not they were assessed as a result of a formal homelessness application. It does not include those cases that have made a formal homeless application which has determined that they are owed a full homelessness duty under section 193 or 195 of the Housing Act 1996.

This definition includes a person who does not have accommodation which is legally and physically available to him or her, or has accommodation that is not reasonable for him or her to continue to occupy. Under this provision there is no requirement that an applicant should be in 'priority need' for accommodation, or that they have made a statutory homelessness application to the local authority under Part 7 of the Housing Act 1996. Where the Council has assessed that the applicant is homeless under this definition they will be awarded the Band C priority.

Applicants may qualify under reasonable preference (A) if they are:

- Rough Sleepers
- Those who have no accommodation at all where they can live in along with other family members who normally live with them, or family members that the Council decides might reasonably be expected to live with them.
- Those who have accommodation but where in the Council's opinion it wouldn't be reasonable for them to continue to occupy it
- Those that have accommodation but they cannot secure access to it, or, in the case of a moveable structure, like a caravan, there is no lawful place they can lawfully live in it
- Those who have made a homelessness application and have been determined by the Council to be homeless but not in priority need, or found to be intentionally homeless but are no longer owed the limited temporary accommodation duty (normally 28 days) following a decision of intentional homelessness

N.B. The Council will award Additional Preference for members of this group where:

- An applicant is likely to be found to be in priority need if they became homeless and wished to pursue a homeless application
- And the Council consider they will be physically homeless within 28 days
- And they accept a prevention option from the Council's Housing options Team which will mean their homelessness is prevented for a minimum of 3 months

These households will be awarded band C for up to 3 months with Band B being awarded by the Local Authority after the 3 months with an effective date from the date they entered the higher band

Important Note: Where a statutory homelessness application has been made and the applicant has been found to be owed a full homelessness duty as they have been found to be in priority need i.e. unintentionally homeless, they will be awarded reasonable preference category (B) below

**Reasonable preference category (B) - Homelessness households who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Housing Act.**

Applicants will receive Band B to reflect their reasonable preference if they are homeless, in priority need and owed any duty under sections 193(2), 195(2) or 190(2) of the Housing Act 1996 as amended.

People who would fall into reasonable preference (**B**) are:

- A person who is in priority need and unintentionally threatened with homelessness and the Council has accepted that it owes an applicant a full duty under section 195(2) as being threatened with homelessness in the next 28 days.
- A person who has been accepted as being owed the full homeless duty under section 193(2) i.e. those who are deemed homeless, in priority need and unintentionally homeless.
- A person who is owed a section 190(2) duty that have been assessed as being in priority need but are intentionally homeless and have been provided with accommodation for a period of time to enable them to secure their own accommodation. N.B. Priority under reasonable preference group B for the intentionally homeless is only awarded for the period of time the duty is owed. This is normally 28 days following the decision that the person is intentionally homeless but the exact time will be determined by the Council on an individual case basis. For this short period of time intentionally homeless applicants will be given reduced Band C in recognition of the deliberate act or omission that led to that decision. After 28 days they will remain in Band C, having been awarded reasonable preference group A, which includes those households who are intentionally homeless but no longer owed an intentionally homeless accommodation duty.

**Reasonable preference category (C) - People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. All applicants that are determined as being owed reasonable preference under this group will be granted Band A or Band B status depending on the severity of their housing need.**

Reasonable preference will be awarded plus an award of additional preference resulting in Band A status for:

A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004; They are a private sector tenant and the Council's Public

Health Team has decided that the property poses a category 1 hazard under the Health and safety fitness rating and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a risk to the applicant's health. For those living in a property that is a category 1 hazard and as a result uninhabitable due to, for example, severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period. In exceptional cases, where the problem can be rectified within 6 months but the impact on the applicant of remaining would be considerable, a senior officer will decide if reasonable preference will be granted. Those that are Statutory overcrowded as strictly defined by the Housing Act 2004.

Note: The assessment of all cases under the above criteria will be carried out by the Council's Housing Options Team taking advice from the Public Health Department of the Council (or any other council if the property is outside of the participating Council's areas)

Note: Those who are statutory overcrowded as defined by the Housing Act 2004 will not meet these criteria if this is as a result of an applicant voluntarily agreeing to house additional member of their extended family or friends.

Note: Those overcrowded by two bedrooms or more under the bedroom standard but are not statutory overcrowded will be granted reasonable preference but not granted additional preference and will be placed into Band B

For those applicants where their housing conditions or level of overcrowding mean that it is not reasonable for them to continue to occupy their overcrowded accommodation and as a result they are owed a Statutory homeless duty under section 193(2) of the Housing Act 1996, will result in an award of reasonable preference for the statutory homeless duty under reasonable preference group B rather than under his group C.

An applicant will also be awarded Band B status if they lack access to any of the following. Shared access in Housing in Multiple Occupancy counts as access and would not lead to any award: Band B will be awarded for those applicants who lack access to:

1. A bath or shower
2. A toilet
3. Cooking facilities
4. Running hot water supplies
5. Electric/gas needed for essential activities

Applicants who have children under the age of 10 or are pregnant and live in accommodation that has no ground level access or is an upper floor property will be awarded Band C.

**Reasonable preference category (D) - Medical, disability and welfare. All applicants assessed as owed reasonable preference for medical, disability or welfare grounds will be granted Band A or B priority depending on the severity of the impact of their housing on their condition. All other applicants will be granted Band E as detailed below.**

This reasonable preference category includes any applicant for accommodation whose health, disability or welfare, or that of a member of their household, is significantly impaired by remaining in their current accommodation and there is as a result a need to move.

**Medical Grounds or Grounds of Disability:** Reasonable preference is awarded by the partners following an assessment of an applicant's need to move due to medical or disability needs. An assessment may be made by an officer of the Partner Organisation handling the application Team and will be informed, but not determined solely, by set criteria for routine medical conditions, or for more serious cases following a recommendation from the Community Occupational Therapy Team, or from a qualified Medical Advisor or consultancy commissioned by the Partners.

An applicant's circumstances will normally be referred for a medical assessment if an applicant has indicated that there is a medical or disability problem that is made substantially worse by their current housing. Otherwise their circumstances will be assessed by **an appropriate Senior Officer** who will consider standard criteria in making any assessment. Priority will be given depending on how unsuitable the current accommodation is in relation to their medical, welfare or disability needs.

The assessment is not of the applicant's health but how their accommodation affects their health or welfare. Only in exceptional cases will the detrimental effect on health or welfare be caused by the location of the accommodation itself rather than the physical condition or nature of the accommodation occupied. Such exceptional cases will be considered by a senior officer of the Partners handling the application.

An applicant that has an urgent need to move for medical reasons or due to their medical problems or disability will be awarded reasonable preference and additional preference and placed in the Band A.

The following are examples of cases that would qualify for Band A status under one of the statutory reasonable preference categories. I.e. medical, welfare or disability needs.

- Where an applicant's condition is expected to be terminal within a period of twelve months and re housing is required to provide a basis for the provision of suitable care.
- A member of the household seeking accommodation cannot be discharged from hospital or rehabilitation accommodation until suitable housing is provided and the household had settled accommodation in the participating Council's area prior to hospital admission
- The condition is life threatening and the applicant's existing accommodation is a major contributory factor



- The applicant's health is so severely affected by the accommodation that it is likely to become life threatening
- A member of the household is elderly, disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re- housing would enable that person to remain living at home.
- People who are completely housebound because of the type of accommodation they live in.

Where an applicant's housing is unsuitable for severe medical reasons or due to their disability, but who are not housebound or whose life is not at risk due to their current housing, but whose housing conditions directly contribute to causing serious ill-health. If this is the case they will be awarded reasonable preference and placed into Amber Band B. Registered social Landlord partners being informed by set criteria, and may or may not need to be referred to a medical advisor or Occupational Therapy Team depending upon the circumstances

**The following are examples of cases that would qualify for Band B status under one of the statutory reasonable preference categories. I.e. medical, welfare or disability needs:-**

- The applicant is unable to mobilize adequately in their accommodation and requires re housing into accommodation suitable for their use.
- The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation.
- Where overcrowding in the property leaves the applicant at risk of infection, for example, where an applicant is undergoing chemotherapy or suffering from advanced AIDS.
- Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without settled accommodation.
- A member of the household seeking accommodation is disabled and re-housing will enable that person to overcome physical barriers created by current accommodation e.g. steps and stairs.
- A person with a severe disability requiring substantial adaptations to a property which is not provided for in their current accommodation
- A person with a terminal illness or long term debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support.

### **Welfare Issues**

Those applicants that qualify for reasonable preference on welfare grounds will be those urgent cases that require care and support needs or have other social needs that do not require medical care or support. There are three groups that will be awarded reasonable preference for welfare needs. These are listed and detailed below.

Those leaving care or who are ready to move on from specific supported housing schemes that need a stable base from which to build a secure life.

The Council wants to ensure that care leavers and other vulnerable people with support needs are helped to access secure and suitable long term housing. It is important that they are only nominated to move on accommodation therefore until they are assessed as ready to move on their application will be registered but deferred. The Council will not therefore allocate reasonable preference under this category until the person has been assessed as being ready to move on. The following cases in supported accommodation or care will qualify for Reasonable preference and additional preference under this category and placed in Band A when they have been assessed as being ready to move on:

A person who has been awarded a move on priority having been assessed as ready to move on to long term settled housing. There are two categories of cases:

### **Move on Supported Housing Projects**

Applicants will be awarded this category for certain listed projects in accordance with protocols agreed between the Council and the voluntary sector body. Not all applicants who occupy named supported housing projects will qualify for reasonable preference. They must have vulnerability and urgent housing need that is best met by the provision of long term settled housing. All other cases will not be owed reasonable preference under this category and will be expected to be assisted by the project with support from the Housing options service to move on to private rented sector accommodation. The criteria for an award of reasonable preference will be:

- An applicant is ready to move to independent settled housing
- The applicant is in need of long term rather than short term ongoing tenancy support
- That support package has been assessed and is in place
- An applicant's vulnerability is such that accommodation in the private rented sector would through its short term have a detrimental effect on their vulnerability

### **Move on from Care**

Applicants are awarded this category in accordance with protocols between The Local Authorities and the County Council's Children Services Department. Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002. As with the need to move on from supported accommodation not all care leavers will qualify for reasonable preference. They must have vulnerability and urgent housing need that is best met by the provision of long term settled housing. All other cases will not be owed reasonable preference under this category and will be expected to be assisted by the Children's Services with support from the Housing options service to move on to private rented sector accommodation. The criteria for an award of reasonable preference will be:

- A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living

- They possess the life skills to manage a tenancy including managing a rent account.
- The care leaver is in need of either a long term or medium term tenancy support
- That support package has been assessed and is in place
- Their needs are such that accommodation in the private rented sector would through its short term nature have a detrimental effect on their transition to independent living

Those applicants who need to move on welfare grounds due to infirmity caused by old age. These cases will have their welfare need recognised and reasonable preference awarded. An assessment of an applicant's need to move due to infirmity caused by old age will be made by the **Partner Organisations appropriate senior Officer taking into account information provided by one or more of the following:-**

Applicant's GP or consultant  
 Social Services  
 Occupational Therapist  
 Age Concern or any other voluntary sector organisation representing the applicant/Partner Organisation medical advise  
 Any other relevant agency

**Priority award as a result of Exceptional Circumstances** With the exception of elderly infirm applicants and those leaving care or who are ready to move on from specific supported housing schemes that need a stable base from which to build a secure life the award of reasonable preference Priority on welfare grounds will be made by the relevant partner organisation or Council.

**Reasonable preference category (E) – People who need to move to a particular locality within the Partnerships districts, where failure to meet that need would cause hardship to themselves or to others. Details of when Reasonable Preference will be granted for this group and what Band are given below.**

This category applies to those who need to move to a particular area within the partnership, where failure to meet that need would cause hardship to themselves or others. The Government's Code of Guidance suggests that people may fall into this category if they need to move in order to give or receive care, to be able to access specialist medical treatment, or to take up particular education, employment, or training opportunities in a particular locality. In addition the need to move should be sufficiently great that hardship would be caused if they did not move effecting health or leading directly to an inability to take up employment or training opportunities. it will be only be in limited circumstances that an award of reasonable preference will be made. Reasonable preference priority would not normally be awarded to applicants who claim that they require ongoing support from relatives or friends, unless there is severe mental health, medical or welfare issues relating to this person or a member of this person's household and exceptional reasons why this support cannot be made available through a

reliance on public transport or the applicant's own transport. Such cases will be submitted to the **partner organisations senior officers**

- a) Need to move on hardship grounds – domestic abuse, extreme violence or extreme harassment. (to be awarded Band A )

People who have satisfied the Council that they are fleeing severe harassment or violence from inside or outside of the home but they have not been accepted as being owed a statutory homelessness duty as a result of that violence or harassment.

N.B: A statutory homeless duty applies if the applicant applies as homeless and a full duty is accepted. Those cases that do not apply as homeless and wish to remain with relatives or friends can be awarded reasonable preference under this group without going through the homelessness route.

- b) Hardship will be awarded to tenants of a Housing Association in the Local Authority area who occupy a specially adapted property and where the move will free up the property. **Band A because RP plus additional preference will be awarded)**
- c) Or tenants of a Housing Association in the Council's Districts who occupy a 3, 4 or 5 bedrooms or larger property than needed by 2 bedrooms or more and where the move will free up this accommodation for a severely overcrowded household. ( **Band B)**
- d) Or Tenants of a partner organisation seeking a move to non family housing that will free up a house to enable use by a family (**Band B)**

## ***Appendix F:***

### **Legal Requirements**

The 1996 Housing Act (as amended) by the 2002 Homelessness Act requires local authorities to make all allocations and nominations in accordance with a published Allocation Scheme. The law covers all nominations made by Local Authorities by which a person becomes an assured or an assured short-hold tenant of housing accommodation held by a Registered Social Landlord, commonly known as Housing Associations. A summary of the Allocation Scheme must be made available free of charge to any person who asks for a copy. This document is the full version of the scheme and a summary of the scheme is available through the websites of all partners or by contacting any of the partners offices

The Housing Act 1996, as amended by the Homelessness Act 2002, requires local authorities to give "reasonable preference" in their allocations policies to people with high levels of assessed housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

This policy complies with the requirements of the Act, and takes into account the Code of Guidance on the Allocation of Accommodation issued in 2002. It also takes into account the statutory Code of Guidance on the Allocation of Accommodation: under Choice Based Letting Schemes issued by the Communities and Local Government Department in August 2008 and the draft CLG statutory guidance document on social housing allocations "Fair and Flexible". The scheme has also been amended to fully take into account the implications for local authorities of the House of Lords decision in the London Borough of Newham V Ahmed, which sets out how Councils should balance choice and meeting housing need.

The Scheme is based on:

- The recognition of reasonable preference categories which are set by law i.e. those applicants who must be given reasonable preference meaning a 'head start' under the Council's Allocation Scheme.
- The principle that social housing properties should be let on the basis of an applicant's housing needs.

Reasonable preference for housing must be given to those groups set out in the 1996 Housing Act, amended by the 2002 Homelessness Act listed below. A full description of each of these categories and how they are applied is given at paragraphs appendix E of this Policy. The statutory reasonable preference categories cover:

- All categories of homeless people (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with the partner Local Authorities);
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing;
- People who need to move on medical or welfare grounds (including grounds relating to a disability);
- People who need to move to a particular locality within the district to avoid hardship to themselves or others.

In addition the partnership will grant additional priority to reflect the needs of those applicants owed reasonable preference that the Partnership believes have urgent housing needs.

It is important to note that even if an applicant is assessed as being included in one of the statutory reasonable preference categories listed above; they may still be awarded a reduced preference to others in that category as a result of their circumstances or actions. A full list of examples of such cases is given at Appendix C. Reduced or no priority will be awarded where:

- There are current or former rent arrears owed to a social or private sector landlord, and the Council is not satisfied by the actions being taken by the applicant to resolve the arrears;
- Cases of current or former unacceptable, or anti social, behaviour and the council is not satisfied this behaviour has been fully addressed
- Applicants with access to a certain level of financial resources
- Applicants without a local connection with the Council

## **Appendix G:**

### **Schedule 1- Allocations**

Part 1 of Schedule 1 of the Housing Act 1996 restricts payments and benefits which RSL can give to

- Board members;
- Employees – that is people employed on a contract and receiving wages or a salary, but in some cases people working on a freelance basis may also be classified as employees;
- People who have been board members or employees during the previous 12 months;
- A close relative of a board member or employee –

#### **'close' is not defined in the Act**

The Tenant Services Authority considers that someone's husband, wife, partner, parents, grandparents, children, grandchildren, brothers, sisters would be included, and that similar relations by marriage would also count as 'close'.

The granting of a tenancy is a benefit and, therefore, before any of the above can be accepted on to the scheme or offered a tenancy, each Partner's procedure in relation to Schedule 1 must be followed.

Local Authorities must ensure that all applicants are treated fairly therefore any applications for housing from the following applicants must be disclosed on the application form:

- Members of the Council or their immediate families
- Employees, or their immediate families of any of the participating Councils or Partner Housing Associations or any other Housing Associations operating in the partnership area

These applications will be assessed in the normal way but registration, eligibility, the assessment of housing need and any offer of accommodation will require special approval by a senior manager of the Council.

## **Appendix H:**

### **Data Protection**

The Select Move CBL Scheme and its Partners will make every effort to keep information provided by applicants safe and confidential. They will comply with Policies on Data Protection. The Data Protection Act 1996 gives applicants the right to request a copy of their records held on the SRCBL System. Applicants wishing to see and receive a copy of their records should make a written request to the Partners responsible for registering their application.

All information received relating to an applicant's housing application will be treated as confidential. The Data Protection Act 1998 prevents the disclosure of information about you to any other person without your consent and prevents disclosure to you without their consent, information disclosed by other people.

Information sharing without consent

Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances, which will include:-

- in accordance with the provisions of the Crime and Disorder Act 1998 (section 115)
- For the purposes of the prevention or detection of crime and fraud
- Where there is a serious threat to the applicant or a third party including staff or contractors
- Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff

For further information, please refer to separate data protection agreement signed by the partnership.