

# Chorley Council

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## Allocations Policy



## Aim of the Allocation Policy

Chorley Borough Council aims to provide affordable housing for rent for people in housing need and to create sustainable, balanced communities.

We are committed to providing a fair and comprehensive service to all persons eligible for housing.

The Council aims to ensure that social housing that it has nomination rights to will be allocated to those households with the greatest underlying need for long term, settled accommodation.

The aims of the Allocations Policy are:

- To ensure that applicants in need are provided with accommodation.
- To contribute to balanced communities.
- To create sustainable communities where people want to live and feel safe.
- To promote choice to applicants.
- To ensure that no group or individual is discriminated against as a result of this policy and to promote equal opportunities.

**This information can be made available to you in larger print or on audiotape, or translated into your own language. Please telephone 01257 515515 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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## 1. Introduction

This refreshed version of the Chorley Allocations Policy, to ensure it meets the current needs of our customers.

Chorley Council no longer owns Council Housing having transferred its homes to Chorley Community Housing Association( CCH) in 2007. This Allocation Scheme sets out how Chorley Council will nominate households to Registered Social Landlords (commonly known as Housing Associations), where it has nomination rights to properties owned by those landlords. Nominations will be made using a Banding based system.

Although Chorley Community Housing are the biggest Housing Association operating in Chorley, there are several other associations where the Council has rights to nominate people to a certain number of their vacancies as they arise.

This Policy has been written to comply with the legal requirements of ‘The Housing Act 1996’; the ‘Homelessness Act 2002’; and the Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness.

The Scheme aims to achieve a balance between assisting those in greatest need and ensuring that there are opportunities for re-housing for those who require it. It is designed to reflect a range of need factors and enable applicants to clearly understand their prospects for re-housing given their particular needs, circumstances and preferences.

### Legal Requirements

The Council retains a number of statutory obligations following the transfer of its stock. One of these is the requirement for the Council to formulate, adopt and amend an Allocation Scheme. The 1996 Housing Act (as amended) by the 2002 Homelessness Act (hereafter referred to as ‘The Act’) requires local authorities to make all allocations and nominations in accordance with a published Allocation Scheme.

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 point’s scheme and general principles is available at the Council’s Housing Office.

The Act requires local authorities to give “reasonable preference” in their allocations policies to people with a high level of 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.

The Act also requires local authorities to offer applicants a choice of housing accommodation, or the opportunity to express preference about the housing accommodation to be allocated to them.

This policy complies with the requirements of the Act, and takes into account the Revised Code of Guidance on the Allocation of Accommodation issued in 2002. It also takes into account the draft Code of Guidance on the Allocation of Accommodation: Choice Based Lettings, issued by the Communities and Local Government Department in 2007 for consultation.

**The Scheme is based on the following principles:**

- 1) The recognition of reasonable preference categories which are set by law i.e. who must be given reasonable preference or a 'head start' through a Council's Allocation Scheme.
- 2) The principle that social housing properties should be let on the basis of an applicant's housing needs. The requirement that Local Authorities provide information to applicants as to their rights under its Allocation Scheme.
- 3) Reasonable preference for housing must be given to those in the categories in the 1996 Housing Act, amended by the 2002 Homelessness Act. 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 Chorley Council)
  - 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.
- 4) In addition the Council will additional priority to reflect the needs of those applicants with exceptional, urgent or cumulative needs.

It is important to note that even if an applicant falls under one of the statutory reasonable preference categories listed above, they may still be awarded a lesser priority or no priority compared to others in that category as a result of their circumstances or actions.

**Exclusions Policy**

Reduced or no priority will be awarded where there are current or former rent arrears and the Council is not satisfied by the actions being taken to resolve the matter, cases of unacceptable or anti social behaviour, applicants with access to a certain level of financial resources, and applicants without a local connection with the Council. A full set of circumstances, and the reduced priority that may be awarded, are detailed at section 9 below.

## 2. Customer Charter

Chorley Council are committed to providing excellent services for our customers and we will endeavour to ensure the following service standards are maintained. We promise to:

- ✓ Consider every application received.
- ✓ Make sure the Council meets its legal obligations in nominating people to accommodation owned by all housing associations.
- ✓ Provide free advice and information about the right to apply for accommodation.
- ✓ Provide free assistance to applicants who may have difficulty when making an application. We will help you complete our Application for Accommodation form if you wish.
- ✓ Make sure any information we provide is easy to understand and is readily accessible.
- ✓ Outline how we offer choice and the ability for applicants to express preference.
- ✓ Provide information to all applicants of what types of accommodation is available throughout the district.
- ✓ Provide information about how long you are likely to have to wait before being nominated to accommodation you have expressed a preference for.
- ✓ Provide a full copy or a summary of this Allocation Scheme to all households who request them and will always provide a summary of the scheme to all who are accepted as being owed a full duty as statutory homeless.
- ✓ Treat each applicant equally in accordance with his or her need, regardless of race, religion or creed, ethnic or national origin, disability, gender, sexual orientation or marital status.
- ✓ Regularly monitor ethnic origin and disability of applicants who apply for accommodation.
- ✓ Nominate to all vacant Housing association Homes that are ready to let as quickly as possible.
- ✓ Ensure that all information provided by applicants will be treated in strictest confidence.
- ✓ The Council will comply fully with the Data Protection Act in relation to all information it holds about applicants

### Customer Choice

The Council will promote choice within its lettings policy in the following ways:

1) Applicants are able to specify an unlimited number of areas within Chorley where they would accept an offer of accommodation. Areas of choices may be changed at the request of the applicant.

2) The Council also requests that the applicant states those areas that they do not wish to be housed in. This is to assist the Council in making more informed decisions regarding nominations to Housing Associations.

3) Homelessness Applicants will be made one reasonable offer anywhere in the Borough unless there are special circumstances, in order to fully discharge the Council's legal obligations to those cases accepted as being owed the full homelessness duty. Each applicant will be able to express a preference for areas they

wish to consider living in. The more restrictive the choice the harder it may be to satisfy the applicants' requirements, in other words the longer they may have to wait for a nomination.

The Council will take into account applicant's preference for an area but cannot guarantee to meet those requests unless the Council considers that the reason for expressing a particular preference is essential. Any decision on nominations must ultimately be made on the basis of need. Therefore if there is no property available in an applicant's area/s of choice and the Council's records indicate that there is unlikely to be a property available in an applicant's area of choice within a two month period then the Council will consider making a nomination, to a suitable property outside of these areas.

### **Equality and Diversity**

Our aim is to implement and maintain services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age or sexual orientation, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law. Allocations will only be made to those persons who are eligible and have been placed on the Housing Register.

### **Confidentiality**

The fact that a person is an applicant on the Housing Register will not be disclosed (without their consent) to any other member of the public.

### **Data Protection**

All information held is subject to the Data Protection Act 1998. The Council will seek the express consent of applicants joining their housing register to share personal information about the applicant, and any member of the household.

### **Information sharing without consent**

Information can be shared relevant to organisations providing support services in supported housing.

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).  
Where there is a serious threat to the other party's 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.

### **3. About the Housing Register**

Chorley Council's Housing Register contains details of all those persons who are in need of housing. Nominations for Housing Association accommodation will only be made to those persons who qualify and have applied to be placed on the Housing Register.

The Council transferred its housing stock to Chorley Community Housing in 2007. The Council Borough Council has 75% nomination rights to Chorley Community Housing properties. The Council also has nomination agreements with all of the Housing Associations in the area.

#### **What is an Allocation under this Scheme?**

Given that Chorley Council no longer owns Council Housing an allocation under this Scheme is defined as:

*The nomination of a person to be an Assured Tenant for a registered social landlord (Housing Association). This includes, (where a Housing Association chooses to operate such a scheme), the nomination to be a 'Starter Tenant' of a Housing Association whereby the Housing Association will provide an Assured Shorthold Tenancy for a set period. Following this period if the tenant has proved themselves to be a suitable tenant the Housing association will then normally grant an Assured Tenancy.*

Existing tenants of any Housing Association in Chorley who wish to transfer to another Housing Association property are able to register under this scheme, although if they are seeking a transfer to another property owned by their landlord, that landlord may have its own transfer scheme and its own transfer rules. Either the Council or the Housing Association concerned, can give advice on these circumstances.

#### **Allocations Not Covered by this Scheme**

The following are examples of nominations not covered by this policy:

- Conversion of a Starter Tenancy into a Secure Tenancy (that is a matter for the tenants Housing Association).
- Nominations to Housing Associations for property, which is to be used as temporary accommodation to house homeless households, owed a duty under the Homelessness legislation.
- Assignments of and Successions (these are matters for the tenant's Housing association).
- Mutual exchanges of Housing Association Tenancies (again for the relevant Housing association to decide and administer).
- Nominations for offers of assured tenancies, assured short hold tenancies, or other tenancies or licences, from private landlords.

#### **Administration of the Council's Allocation Policy**

Applications for Housing will be made to the Council directly using a standard form, which will give applicants the option of applying to the Council list. The initial assessment of the applicant's housing needs under the Chorley council allocation scheme will be carried out by staff from the Council.



The allocation of properties will be undertaken by the Council including nominating applicants to other Housing Association properties that the Council has nomination rights to. The Council has agreed nomination rights to all Registered Housing Associations in Chorley. These will be reviewed on an annual basis.

To apply to be considered for Housing Association accommodation, applicants must complete a Housing Register form available from the Council's offices. The form must be returned to the Council. The form will be used to assess an individual's housing need through the application of a Banding priority system.

#### **4. Who can apply to be part of the Council's Allocations' Scheme?**

Any United Kingdom Resident 16 years or over can apply for accommodation by completing an Application for Accommodation form. However, a Housing association will not normally grant a tenancy to anyone under the age of 18 years unless they are able to provide a guarantor to cover rent and a support worker

##### **Those who are eligible to join the housing register**

Section 160A of the Act states that a local housing authority shall only allocate housing accommodation to a person who is eligible.

Normally people aged 16 and over are eligible persons and can apply to join the housing register and receive the allocation of a property.

Applicants who are eligible persons under 18 years of age may be required to have adult or organisation acting as guarantor for rent until they reach the age of 18 as a condition of being allocated a property.

##### **Those who are not eligible to join the housing register**

The following are not eligible persons to join the housing register:

- 1) Those subject to immigration control and not re-included by Regulations; People who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996.
- 2) People who are not deemed to be habitually resident in the CTA (Common Travel Area). (This may include British citizens.)
- 3) Any other person as prescribed by the Secretary of State.

## 5. Making An Application

Every applicant who requests it will receive a pack containing an application form and an Allocation Policy summary, including the complaints procedure.

### 1) Completing the application form

Applicants are encouraged to complete the form themselves. However, staff will go through the form with the applicant to ensure that the required information is collected. Staff will give support in completing the form if required.

Applicants that have any difficulty reading or understanding this Allocation Scheme will be offered the following services:

- An interpretation service if your first language is not English.
- Signing if your speech or hearing is impaired.
- Provide documents in large print if you are visually impaired.
- An interview with a Housing Officer to explain the content of this document.
- An appointment with an independent housing advisor or the Citizens Advice Bureau.
- Advice on what Housing associations are.
- Advice and help on renting in the private sector if there are few homes available in the areas where you may wish to live.

### 2) Assessing Applications

In order to assess an applicant's place on the Housing Register, the Council uses needs based Banding system scheme, as detailed in section 7 of this policy.

The Bands are awarded to reflect housing need, whereby the needs reflected in the highest Band indicates the greatest need for rehousing.

An applicant can request to be shown, and be given a copy of his/her entry on the Housing Register. The Council will also, on request from the applicant, provide such information that is practicable and reasonable to supply, to explain his/her position and priority on the Housing Register in relation to when an offer of suitable accommodation might be made. An applicant has the right to be informed of any decision about the facts of their case which is likely to be taken into account when considering whether to allocate housing to them.

Where applications have been accepted under the Council's scheme, applicants will be written to informing them of the Band allocated to their application and the Council's policy on choice. The Council can also provide a regular update of approximately how long applicants are likely to have to wait for a nomination taking account their areas of choice.

However, this information is only a snapshot and cannot take into account changes to the Housing Register and the number and type of future vacancies. Applicants are encouraged to provide a wide area of choice and to consider properties in the private rented sector if they require a specific area, which is in high demand.

An officer will then allocate a banding to the application or if a homeless applicant, once a decision has been reached on a persons' homelessness application.

Where there is a need to visit an applicant or make further enquiries to confirm an applicants circumstances, any points awarded will be provisional pending that a visit or confirmation of circumstances. If there is a need be visit an applicant or an interview arranged to clarify details contained on the form, arrangements will be within days of receipt of the application. Confirmation of any final Banding in writing will be made within 28 days of any such interview, visit or the completion of further enquiries.

### **Joint Applications**

When two applicants complete an application for Accommodation the Council will explain to the applicant the relevance of Joint Tenancies. However, it is for the Housing Association for which the Council makes a nomination to decide whether to allow a Joint Tenancy.

### **Including a carer in a housing application**

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 who is primarily responsible for providing them with care and needing to live with them or near them.

Even if a carer is in receipt of Carer's Allowance this does not mean that it is necessary for them to reside with the person who is being cared for. Many carers provide over 35 hours a week support whilst living in their own home. An application to include a carer in a housing application will be considered if the carer has been assessed by Social Care and Health as needing to provide overnight support. In these circumstances the applicant must provide supporting evidence from other agencies e.g. Social Care, or a health professional.

Under some circumstances it may be appropriate to consider cases where 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:

Carers Allowance

Disability living allowance - paid at either the middle or higher rate for personal care

Attendance allowance

Constant attendance Allowance

Disablement benefit

## 6. How Applications Are Awarded Priority

The Council will use a banding based system to measure housing need and allocate accommodation. In assessing re-housing need the Council will give reasonable preference to those applicants who fall into one or more of the following categories: (in line with the Homelessness Act 2002):

- Homeless people owed a full duty under part VII of the Housing Act 1996
- Homeless individuals (not owed a full duty under the above act).
- Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- Applicants who need to move on medical or welfare grounds or grounds of disability.
- 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).

The Council's Allocation scheme has been devised to ensure that it meets its legal obligations in this respect. The Council will therefore allocate the housing available within a framework which reflects this duty and which ensures that offers of accommodation are made to those with the greatest need and which maximises the use of limited resources.

The assessment of housing need will be carried out by officers from the Council. Where the case involves a medical, welfare or disability assessment the responsible Housing Officer will award these points either following a medical recommendation by a Medical Advisor, or where such an assessment is not deemed to be necessary, these points will be awarded by an Officer within the Council with overall responsibility for allocations.

### Medical Priority

Applicants who have a medical need will be asked to complete a Medical Form, which will either be assessed by the Council's administering officer for the Policy or where the condition is serious may be passed to the Council's Medical Adviser. The applicants and any members of the applicant's household can complete a Medical Form.

Applicants will only be offered additional priority if their medical condition significantly affects their need for accommodation

The criteria to be considered are to what extent the health of the applicant or an immediate member of the applicant's family will improve by a move to alternative accommodation.

Following assessment Band 1, Band 2 or no priority will be awarded (see below for details). Any applicant who feels that they are entitled to medical priority must complete a medical form and return this along with any supporting information to the Homelessness and Housing Advice Team.

In circumstances where more than one member of the household suffers from a medical condition, the panel will take the needs of the entire household into account when making a decision.

Following assessment the Council will decide whether to award priority on the basis of the information provided in the medical form and where appropriate, any additional information requested from the GP.

### **Owner Occupiers**

Applicant's financial circumstances will be taken into account in assessing the priority they may receive through this Allocation Scheme 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 a shared ownership option available through partnership working with a Registered Social Landlord or referred to the approved landlord scheme if available.

Owner-occupiers who are adequately housed or with the resources to secure accommodation locally, would normally not attract any priority under the Council's scheme

## 7) The Banding Scheme

<b>Band 1: Urgent Need Band due to additional preference or cumulative need</b>	
Emergency Medical  (Reasonable preference section d)	Emergency Medical Emergency banding is granted only in exceptional circumstances, when the applicant or a member of the applicant's household has a life threatening condition, which is seriously affected by their current housing, or their home cannot be accessed due to ill health or disability
Management Transfer. Severe Anti Social behaviour nuisance, domestic violence, racial harassment (Report required)  (Reasonable preference section e)	Agreed in exceptional circumstances due to significant problems associated with the tenant's 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/area. 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.  Only agreed when other remedies not applicable or successful.
Release adapted property  (Reasonable Preference section e)	Where a tenant does not require a specially adapted property for disabled use, and there is a demand for its use
Cumulative need	Applicants that fall into 2 or more reasonable preference criteria outlined in Band 2 below

<b>Band 2 Need to move – Reasonable Preference</b>	<b>All of the following are owed statutory reasonable preference.</b>
Homeless Households owed a full homeless duty under section 193(2) or 195(2)  (Reasonable preference section b)	Accepted statutory homeless cases owed a full homelessness duty by Chorley Council
Private sector statutory duty to re-house  (Reasonable preference section c)	Closing order issues i.e. properties unfit for human habitation as advised by Environmental Health where there is no way to make the property fit or properties served with a category one hazard notice (HHSRS) Or Similar duty where emergency re-housing

<b>Band 2 Need to move – Reasonable Preference</b>	<b>All of the following are owed statutory reasonable preference.</b>
	is essential e.g. CPO to enable site clearance for a road widening scheme
Supported Housing (Reasonable preference category d)	Applicants living in supported housing who are threatened with homelessness, in priority need and not intentionally homeless. This must be in accordance with a move-on protocol agreed between the landlord or the Supporting People service and Chorley Council.
Leaving care (Reasonable preference category d)	Applicants who are due to leave the care of the Children and Families service and who are who are threatened with homelessness, in priority need and not intentionally homeless. This must be in accordance with the Council's Leaving Care Protocol.
Statutory overcrowding (Reasonable preference category f)	Applicants living in statutorily overcrowded accommodation.
Severe overcrowding (Reasonable preference category f)	Applicants who lack two or more bedrooms in comparison with the bedroom standard in Appendix 2.
Under occupying (Reasonable preference category g)	Tenants of housing association rented accommodation in Chorley who are under-occupying family accommodation by two or more bedrooms in comparison with the Bedroom Standard in Appendix 2, and who have a welfare reason to move.
Adapted property	Tenants of a Chorley Housing Association who need to move because they are living in a property that has been built or adapted for a person with a disability or where support is provided, which is no longer needed.
At risk of homelessness who have accepted	Applicant with dependant children

<b>Band 2 Need to move – Reasonable Preference</b>	<b>All of the following are owed statutory reasonable preference.</b>
a prevention option	<ul style="list-style-type: none"> <li>• Living in insecure accommodation</li> <li>• Not having a bedroom</li> <li>• Lacking or sharing amenities</li> <li>• Poor state of repair</li> </ul> <p>Who are at risk of homelessness but have accepted a prevention option from the Council’s Homelessness &amp; Housing Advice Team and where that option is likely to remove that risk of homelessness for a minimum period of 6 months.</p>

<p>Medical grounds</p> <p>(Reasonable preference category g)</p>	<p>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 Urgent priority as their condition is life threatening and being adversely affected by their living conditions. The recommendation of the medical advisor will be taken into account when deciding the level of priority to be given to applicants on medical grounds.</p>
<p>Urgent and exceptional need to move</p>	<p>See section above on how and when reasonable preference will be awarded to such cases. These cases are likely to be exceptional with very few applicants qualifying under this group.</p>

<b>Band 3: Recognisable need</b>	
<p>Applicants who are entitled to reasonable preference as being non priority homeless, intentionally homeless or homeless within the meaning of part 7 of the Act but do not qualify for Band 1 or Band 2.</p> <p>(Reasonable Priority a)</p>	<p>Applicants who are entitled to reasonable preference as being non priority homeless, intentionally homeless or homeless within the meaning of part 7 of the Act but do not qualify for Band 1 or Band 2.</p>
<p>Employment Opportunity</p>	<p>To enable an unemployed person take up an offer of employment or to be closer to Current employment</p>



<b>Band 3: Recognisable need</b>	
Applicants who would have been owed reasonable preference but whose priority has been downgraded according to section 11 of the policy	Applicants with arrears of rent, poor behaviour, savings or no local connection in accordance with Chorley's downgrading policy

<b>Band 4</b>
Applicants who do not qualify for Bands 1,2, 3 but would like to move to alternative accommodation.

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## 8) Reasonable Preference

The law requires that certain categories of applicant must be given reasonable preference when the local authority is making the allocation of social housing. The reasonable preference categories are indicated on the Banding Scheme as above.

Who qualifies for Reasonable Preference?

The following definitions outline when someone would qualify for reasonable preference under one or more of the five statutory categories identified in Appendix 3, and therefore needs to be read in conjunction with each of the reasonable preference categories.

### Reasonable preference category (a)

Group Includes: Homelessness Households who are homeless (within the meaning of Part VII of the 1996 Act, i.e. the Homelessness Legislation); this includes people who are determined by a Council as not having a priority need.

All applicants that fall into Reasonable Preference Group a will be granted Band 3.

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 but have not made a formal homelessness application as long as they have not been accepted as being owed the full homelessness duty by the Council.

Under this definition a person who does not have accommodation which is legally and physically available to him or her to occupy and which is reasonable for him or her to occupy would qualify. 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. In this case they will be awarded the Band 3 priority.

So, reasonable preference (a) could include:

- Those who have no accommodation they can live in, with other family members normally living with them or others the Council might reasonably expect 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 found to be a non-priority homeless applicant 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

Examples of people who would fall into reasonable preference (a) would be:

1) People with a tenancy in the private sector who have received an outright Possession Order requiring them to leave.

- 2) People who are living with family and friends who have been asked to leave and have no right to remain.
- 3) People who live in a caravan or houseboat where the pitch or mooring is being lost.
- 4) People who live in a hostel whose licence to occupy has been withdrawn
- 5) People who have made a homeless application and where a Council's Homelessness Officer has determined that application with a decision that they are a non-priority applicant.

Note: Where a statutory application has been made and the applicant has been found to be owed a full homelessness duty as in priority need; and unintentionally homeless, they will be awarded Band 2 status under reasonable preference category B below and will not be awarded reasonable preference under this group A.

#### Prevention of Homelessness

Where an applicant in this group accepts a prevention option from the Council, which will mean that they are likely to be, accommodated for a minimum of 6 months, they will be awarded Band 2 and not Band 3 priority.

#### **Reasonable preference category (b)**

This includes 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. All applicants that fall into Reasonable Preference Group B will be awarded Band 2 priority

You will receive Band 2 under the above if you are homeless, in priority need and owed a 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:

- 1) People who are in priority need and the Council has accepted that it owes the applicant a duty under section 195(2) as being threatened with homelessness in the next 28 days and the Council is taking steps to try and prevent that homelessness from occurring
- 2) People who have 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
- 3) People 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. The banding for this group is only provided 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.

Although all applicants within this category can also receive cumulative need from reasonable preference categories for medical, welfare or disability, additional

reasonable preference cumulative need from this group will be awarded in only very specific circumstances as identified below.

Applicants cannot be awarded cumulative need on the basis of 'double' homeless reasonable preference for being owed a statutory homelessness duty under reasonable preference group B and also being homeless within the meaning of Part 7 (Reasonable Preference Group A). An applicant can only be awarded A or B.

Note: Applicants who qualify for this reasonable preference group B will not be able to be granted cumulative need for also qualifying for reasonable preference group C. This is because the Council's Homelessness duty under section 193(2) is to provide suitable accommodation until settled accommodation is available. Given the duty to provide suitable accommodation has to be performed once it is accepted, reasonable preference priority will not be awarded for unsanitary conditions or where a property is uninhabitable. Where applicants may lack facilities, or suffer some overcrowding in temporary accommodation provided by the Council in discharge of its homeless duty, this is already reflected in reasonable preference group (b) by the award of this reasonable preference priority for households in such accommodation.

Applicants in reasonable preference group (b) can qualify for reasonable preference priority cumulative need for medical, welfare or disability in reasonable preference group (d). However, priority under this category is awarded on the basis of how an applicant's current accommodation affects their welfare or health. Where a homelessness duty has been accepted under group (b) the provision of suitable accommodation under that duty is likely to restrict the number of cases that can receive additional priority on medical, welfare or disability grounds. The Council does recognise however, that there will be exceptional circumstances where reasonable preference priority cumulative need can be awarded despite suitable temporary accommodation being provided by the Council.

This might include circumstances where, despite suitable accommodation being provided under the Homelessness legislation, there is still a need because of a medical, welfare, or disability issue to move as quickly as possible into settled housing through the Council's Allocation Scheme. A wide variety of individual circumstances can occur and therefore the following examples are only for guidance. All cases will be considered on their severity or merits.

- 1) Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without settled accommodation.
- 2) A person with a severe disability requiring substantial adaptations to a property, which is not provided for in their current temporary accommodation
- 3) A person with a terminal illness or long term debilitating condition where their quality of life would be improved by moving to settled accommodation.

### **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 1 or Band 2 status depending on the severity. Those applicants who occupy overcrowded or unsanitary housing but where this has not been assessed as being severe enough to qualify for reasonable preference will be awarded Band 4.

Reasonable preference Band 1 status for this group will be awarded for: -

- 1) Those living in unsanitary conditions where the conditions pose an ongoing and serious threat to health;
- 2) They are a private sector tenant and the Council's Housing Standards Team has decided that the Council cannot resolve the problem. This includes that are Statutory overcrowded as defined by the Housing Act 2004.
- 3) Those living in a property that is 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 in a time period that the Council considers reasonable.

The assessment of such cases will be carried out by the Council's Homelessness Team upon taking advice from the Public Health Department of the Council, and if the decision is that the problem cannot be resolved within a reasonable period of time by the Council, the landlord, or the tenant, reasonable preference will be awarded. An applicant will not be given a 'double' priority award for being in unsanitary conditions and in a property that is uninhabitable.

- 4) Those who are statutory overcrowded as defined by the Housing Act 2004 will be granted band 2. However, those overcrowded by one bedroom or more who are not statutory overcrowded will not be granted reasonable preference but will be placed in the Band 3.

There are two tests for overcrowding; the room standard and the space standard. The Council will assess whether an applicant is statutory overcrowded and therefore entitled to additional priority.

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, they will no longer be allocated priority from the above category as the Council will be under a legal duty to remedy the cause of homelessness through the provision of suitable accommodation.

This will result in an award of reasonable preference for the statutory homeless duty under reasonable preference group B rather than group 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 1 or 2 priority depending on the severity of the impact of their housing on their condition. All other applicants will be granted Band 4 as detailed below.

Section 5 details the procedure for assessing and awarding medical priority. Reasonable preference is awarded by the Council following an assessment from either the Homelessness or Housing Advice Manager or from the Community Occupational Therapy Team. 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 the Allocations and Housing Advice officer, using standard criteria.

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.

When will Band 1 for medical reasons be awarded ?

An applicant that has an urgent need to move for medical reasons or due to their disability will be placed in the Band 1. This would include people whose life is at risk due to their current housing conditions or who are completely housebound because of the type of accommodation they live in.

The following are examples of cases that would qualify for Band 1 status and would be likely to be awarded points under one of the above three 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.
- 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
- The applicant is unable to mobilise 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 full blown AIDS.

When will Band 2 for medical reasons be awarded?

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 their ill-health, they will be placed in the Band 2. This will normally be assessed by the Allocations and Housing Advice officer using set criteria, and may or may not need to be referred to a medical advisor depending upon the circumstances.

#### Welfare Issues

With the exception of elderly infirm applicants (see below), the award of reasonable preference Priority on welfare grounds will be made by the Council's Housing Welfare Panel.

The exception is for 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 applicants need to move due to infirmity caused by old age will be made by the Council taking into account information provided by one or more of the following:

- The Council's Medical Advisor who will have considered any information provided by the applicant's GP or consultant.
- Social Services.
- Occupational Therapist.
- Age Concern or any other voluntary sector organisation representing the applicant.

### **Reasonable preference category (e)**

People who need to move to a particular locality within the local authority's district, 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 is given below. If granted the applicant will be granted Band 2 priority.

This category applies to those who need to move to a particular area in the Borough, where failure to meet that need would cause hardship for themselves or others. Given that the Borough is geographically compact with good transport links, it will be only exceptional circumstances where an award will be made in Section A and Section B below. Reasonable preference priority would not 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. Such support should still be available through either them travelling to where the support is provided e.g. a parents/relatives address or vice versa.

Examples when Band 1 reasonable preference might be awarded for 'need to move cases'

### Examples

- Those who need to move to give or receive care that is substantial and ongoing.
- Those who need to access social services facilities, and are unable to travel across the District.
- Those who need to access specialised medical treatment.
- To take up employment, education or a training opportunity that is not available elsewhere and who does not live within reasonable commuting distance.
- 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 homelessness duty as a result of that violence or harassment. This is only a statutory duty if they apply and are accepted as homeless. Many may wish to remain with relatives or friends and be awarded reasonable preference under this group without going through the homelessness route.
- 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. Many of these cases would come under one of the reasonable preference groups especially those with pressing welfare needs under section 167(2) (d) above, but it is important that they are only nominated to move on accommodation when they have been assessed as being ready to move and therefore there is a need to move where failure to do so would cause hardship to themselves and others.

Until they are assessed as ready to move on their application will be registered but suspended. The Council will not therefore allocate reasonable preference

under this category until the person has been assessed as being ready to move on.

### Cumulative Need

When an applicant has been placed into a Band due to being awarded either:

- 1) Cumulative need for more than one reasonable preference category
- 2) One reasonable preference category as defined in the scheme above
- 3) No reasonable preference category
- 4) Found to be non-priority homeless or found intentionally homeless and no longer owed the intentional homeless limited time period accommodation duty

Their position within their allocated Band will be determined by the time they were registered for that Band. The section above outlines who does and does not qualify for reasonable preference under the statutory reasonable preference criteria.

Outside of these criteria there are a number of other groups that the Council will give priority for housing under the Scheme. These cases will not be granted a greater priority Band than those applicants that fall under a statutory reasonable preference group Bands 1 or 2. They are allocated Band 3.



## **9) Offers of Accommodation**

Considerable care is taken to match an Applicant's requirements and preferences with accommodation that becomes available. However, where an applicant has refused one suitable offer of accommodation, their priority for re-housing may depending on the circumstances be downgraded by one Band for a 12 month period. The exception to these rules is for Homeless applicants owed a full homelessness duty under section 193(2) or 195(2) of the Housing Act 1996. (See below).

In any low demand area, the Council in agreement with the Housing association, may use its discretion to vary these guidelines. Please note that the above are guidelines only. It is ultimately for the relevant Housing association to determine what property type and size they are prepared to offer following a nomination from the Council.

Chorley Council does not have any housing stock, it receives nomination requests from Housing Associations and the locations of these can vary. Nominations will be made in line with the Council's allocations policy; however applicants need to be aware that each Housing Association operates their own separate allocations policy and eligibility criteria, which they will apply. It is therefore possible that the Housing Association may reject a nomination where the applicant fails to meet their policy or criteria.

### **Offers to Homeless Applicants**

All homeless applications made to the Homelessness & Housing Advice Team will be investigated and decisions made in accordance with the law. Where a full duty to accommodate a household is accepted under the homeless legislation, the household will be placed on the Housing Register.

Homeless Applicants who are owed a housing duty by the Council under s.193 (2) or s.195 (2) of the Housing act 1996 will be made one suitable offer that the Council determines is both suitable and reasonable for their households needs.

If the offer is refused, the Council will discharge its homeless duty and if in temporary accommodation, the applicant will be given notice to quit their temporary accommodation. All applicants will be advised that they have the right to request a review of the decision.

Whether or not a Homeless Applicant accepts an offer of permanent accommodation, they have the right to request a review of the suitability of the accommodation they have been offered. Homeless Applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a review of its suitability.

An allocation may also be made outside priority date order in a case of a Housing Association tenant who is willing to transfer from a property, which s/he does not require and which is particularly suitable for an applicant with special needs.

### **Management Discretion – Exceptions Policy**

So far as is possible the Council will use the banding system to allocate accommodation. However the Council recognises that there may be exceptional

circumstances where the only way housing need can be fully taken into account is the use of Management Discretion.

The discretion of Strategic Housing Services Manager may be used in the following circumstances

- Emergency Households whose homes are damaged by flood, fire or other disaster may be provided with another tenancy if it is not possible to repair their existing accommodation.
- Households from outside the area where the Council owes another local authority or Housing Association a nomination to someone on a reciprocal basis.
- An applicant has an exceptional need that is not covered by the Allocation Scheme.
- It is in the Council's financial or strategic interest to award additional points, e.g. where child or public protection issues create a need for urgent re housing or where the award of additional points would enable effective management of the Council's temporary accommodation.

The Council's Overview and Scrutiny Panel will receive an Annual Statement as to how the Service has allocated all Housing due to it under nomination rights and the circumstances where it has exercised its management discretion under this Scheme

An applicant may request that their application be removed from the reduced priority or suspended classification at any time. The request for removal of the reduced priority or suspension classification must be made in writing and must set out how why the removal of the status is justified.

The Council will consider the request for the removal of the reduced priority classification within 14 days of receipt of the request. A letter will be sent to the applicant giving the Council's decision within 21 days of the receipt of the request. The letter will set out the Council's reasons for either granting or not granting the request.

## Bedroom Standard and Type of Accommodation

When deciding the size of property for which applicants will be eligible, the following Bedroom Standard will be used.

Bedroom Standard	Number of bedrooms			
	1	2	3	4
Household Size				
Single Person	✓			
Couple wishing to live together	✓			
28+ weeks pregnant woman with or without partner and no other children	✓	✓		
In exceptional cases e.g. where there are care needs adult siblings wishing to live together	✓	✓		
Parent(s) with one child		✓		
Parent(s) with two children		✓	✓	
Parents with three or more children regardless of age or sex			✓	✓

When deciding whether an applicant and his or her household is under-occupying accommodation, or lacks two or more bedrooms to assess eligibility for Priority Band 2, the lower number of bedrooms shown against each size of household will be used as the “standard” number of bedrooms required for the household concerned. For example a parent with two children who is living with parents and has the use of one bedroom will be deemed to lack one bedroom.

### Type of accommodation

Sheltered housing will normally be available only for applicants over state pension age. Accommodation that is designated as supported housing will be available only for applicants who are eligible for that particular accommodation. For example, some supported housing is provided exclusively for people with learning difficulties, or for young people leaving care.

Where accommodation is available only for applicants who satisfy such special criteria, this will be made clear in the advertisement of the vacancy.

### Size and type of property for which applicants are eligible

In order to make the best use of the available housing stock, it is essential to let vacancies to those who need that size and type of property. Examples include houses with two or more bedrooms to be let to families with young children, sheltered housing

flats for older people and properties that have been built or adapted for a person with a physical or sensory disability.

When deciding the size and type of property for which applicants are eligible, the Bedroom Standard in Appendix 2 will normally be used.

In exceptional circumstances the Strategic Housing Manager may exercise discretion in deviating from the Bedroom Standard. Examples are:

- For those applicants who are separated or divorced and sometimes care for their children, the Senior Housing Officer will consider how often and for how long the children stay with them. If appropriate, the Senior Housing Officer may exercise discretion and award additional bedrooms for the children in accordance with national guidance.
- Where applicants require larger accommodation on health grounds. The Senior Housing Officer will consider this on a case by case basis, taking into account the advice of a qualified medical advisor appointed by the District Council or housing association with which the applicant has registered.
- Where there is little or no demand for a particular vacancy, and it is therefore difficult to let.
- Where no suitable applicants can be identified to make the best use of larger accommodation.
- Where the applicant has been approved as a foster carer by Cumbria County Council, and so will need a larger property than normally required by the household.
- Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household. See paragraph below for more information about including a carer in a housing application.

### **Sheltered housing**

Applicants for sheltered housing must 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 Care Line and Warden Service. Separate charges are made for these services on top of the rent.

### **Method of Selection for Nominations.**

When matching vacancies against applicants, vacancies will normally be matched in the sequence in which they are recorded as available for nomination. Vacancies will be faxed or e-mailed to each Housing Association. They will be recorded by the Council on a list and prioritised for a nomination based on the date the notification was received of the vacancy and the date that a nomination has to be made which in turn depends on the nomination agreement with the particular Housing Association.

The following procedure will then apply:

- 1) The first available vacancy will be matched against the applicant in the highest Band with the longest registration date. Where two or more applicants have the same band priority the date that the applications were registered will be used to determine who will be considered for the nomination. The following checks will then take place before a nomination is made.

- 2) An assessment will be made to determine if the property is suitable and reasonable for the applicant and the applicant's household.
- 3) If it is, the applicant's preference re any area/s of choice will be considered. If it is property location is outside of the applicant's expressed area/s of choice, a nomination may still be made unless there are exceptional reasons why the Council agrees that an applicant should only be considered for an area/s, or from the council's own records of lettings activity it is reasonable to assume that a vacancy of the correct size is likely to become available within two months within that area/s.
- 4) If the property is reasonable and suitable as described at (a) above and neither scenario listed at (b) applies the Council may proceed with the nomination.
- 5) If the property is not suitable for the applicant with the highest priority, it will be matched against applicants in descending priority order until a suitable allocation is found. The process will then be repeated for the second property on the list of vacancies available for allocation.
- 6) An offer of a property will be made by telephone initially where possible and confirmed in writing. The offer will normally last for 3 days but this may be extended at the discretion of the relevant Housing Association.
- 7) Where a property is refused the Council will be informed immediately and will make a decision on the suitability of the offer within the three days that the property is still available.
- 8) If the property is deemed to be suitable by the Council it will count as one of the nominations an applicant is entitled to receive. If the applicant has been accepted as being owed a statutory homeless duty by the Council, this duty, subject to a right of review, will have ceased if the property is refused. In such circumstances an applicant will no longer be entitled to any temporary accommodation and may have to leave any accommodation provided and make their own arrangements.

**When a nomination may be made outside of this method.**

Vacant properties which are adapted or which are suitable for adaptation or which are otherwise potentially suitable for applicants with a substantial disability or other special reasons may be allocated outside of this method and outside of any strict Band date order. This will include cases where a ground floor flat is available and an applicant with very high priority requires such accommodation. Rather than nominate an applicant with general needs to the property the Council reserves the right to nominate a high priority applicant in need of such accommodation.

## 10) Review of Decisions

Any applicant has the right to request a Review of any of the following decisions:

- That they are not eligible under the Allocation Scheme; this includes decisions where the Council has deemed an applicant ineligible due to unacceptable behaviour.
- The categorisation of an application as a reduced priority band or suspended application or where reduced priority has been given due to behaviour, current or former rent arrears, local connection, or an applicants financial resources.
- About the facts of an applicant's case which have been, or is likely to be taken into account in considering whether to make an allocation to him.

### How to Seek A Review

Any applicant wishing to request a Review of a decision must do so by contacting the Council directly in writing seeking a review.

All Reviews will be dealt with by an officer of the Council within 56 days of the request. All decisions following Reviews will be notified to the applicant in writing giving the reasons for the decision.

### Changes of Circumstances

Applicants should notify the Council 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 council 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 change in income or savings.

### **Members of the Council, Chorley Community Housing, other RSL, staff members and their relations.**

In order to ensure that the Council is treating all applicants fairly, any application for housing or re housing from members of the Council, employees of the Council or Chorley Community Housing/other RSLs or associated persons must be disclosed.

These applications will be assessed in the normal way but registrations and any nomination to accommodation will require special approval by a senior manager of the Housing Service or the Council.

## 11) Reduced Priority applications and Exclusions

Applicants that fall into a reasonable preference category who are given a reduced preference or no preference

An applicant may be eligible and fall into a reasonable preference category but still be allocated no priority within that category or a reduced priority. If an applicant falls into one of the following categories their application will be suspended or they will be given a reduced priority under the Council's scheme. These categories are

1) Where an applicant has refused two reasonable offers within the past 18 months. In such cases the application will be suspended. In these circumstances the suspension will be removed 12 months after last offer unless their circumstances have changed and the Council determines that the change in circumstances is sufficient to allow the suspension to be removed.

2) The applicant has a social housing tenancy related debt (for example, for current or former rent arrears, (including temporary accommodation arrears); damage to the property or legal costs arising from court action in connection with a current or former tenancy). In such cases the applicant will continue to be given priority under the Council's scheme. However, at the point of registration under the scheme the following procedure will apply.

The Council will consider whether the applicant is still in arrears, and if they are the extent of the arrears. Whether there are exceptional circumstances, which should lead to the application not being by, passed for a nomination.

Whether the claimant has taken debt advice, acted on it; and entered into and began to implement any arrangement to clear the arrears.

Where an arrangement has been made the amount of arrears paid off and debt outstanding and the regularity of any payments made.

After considering the above procedure, the Council may reduce the applicant's Banding if they were to be assessed as being owed reasonable preference. This will mean that they are unlikely to receive a nomination. The Council will review the case at the request of the applicant, and once satisfied that appropriate action has been taken by the applicant to address the arrears, may lift the suspension and consider the applicant for a nomination.

3) Applicants who do not have any local connection with Chorley Council defined as within the meaning of section 199 Housing Act 1996. Such applications will have their priority reduced by one band until they acquire a local connection with the Council. The definition of acquiring a local connection is determined by section 199 Housing Act 1996 and the Council can give any applicant advice on this criteria.

Applicants who do not have a local connection with Chorley but have been determined as being owed the full Homelessness duty under section 193(2) by the Council will not be subject to any reduction in their priority.

People may apply for social housing in any area in the country where they might wish to live. This means that the Housing Register is not restricted to people who live or work within Chorley. In order to ensure that it is meeting the needs of the local community, the Council gives reduced priority to people without a local connection.

The Act lists criteria to be taken into account when determining whether an applicant has a local connection. Each applicant is nonetheless required to be assessed individually as to whether or not they have a local connection with the area, and will be asked to provide documentary evidence for this purpose.

The factors which will be taken into account in determining whether or not an applicant has a local connection Chorley Council includes, but are not limited to, whether they or a member of their household included in their application:

The applicant does not have a local connection.

The criteria for local connection is as follows:

- has lived in Chorley by choice for a certain time (usually for six months out of the last 12 months or for three years out of the last five years);
- has close family living in Chorley, who has lived in the District for at least the previous five years
- has settled employment (paid or unpaid) in that District
- has special circumstances that give rise to a local connection.

For the purposes of determining local connection, living in the Chorley means living in permanent accommodation and will not include either:

Occupation of a mobile home, caravan or motor caravan which is not placed on a residential site; or

Occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday.

4) The Council is reasonably satisfied that the applicant (or a member of their prospective household) has failed to maintain any previous rented or owner occupied property within the terms of their tenancy agreement, or has committed acts causing or likely to cause a nuisance or annoyance to their neighbours or others in the locality of where they live or where they previously have lived.

In such cases the application will be suspended from consideration. The suspension will be removed when the applicant (or a member of their prospective household) has demonstrated, to the reasonable satisfaction of the Council, the necessary ability to modify their conduct. In some cases this will include co-operating with medical or other support agencies. In most cases the deferred status will be removed when there has been no cause for complaint against the applicant (or members of their prospective household) for one year.



## Exclusions

Where the applicant or a member of the household is considered to be guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant and at the time of application for housing they are still considered unsuitable to be a tenant by reason of that behaviour, their application will be suspended.

Unacceptable behaviour is defined as behaviour which would, if a person was a secure tenant or member of their household, entitle a landlord to possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985.

Unacceptable behaviour includes:

- Owing serious rent arrears and failing to comply with a current or past tenancy agreement with a Council, housing association or private landlord.
- Conviction for illegal or immoral purpose.
- Causing nuisance and annoyance to neighbours or visitors.
- Committing certain criminal offences in or near the home and still posing a threat to neighbours or the community
- Being violent towards a partner or members of the family.
- Allowing the condition of the property to deteriorate.
- Allowing any furniture provided by the landlord to deteriorate due to ill treatment.
- Obtaining a tenancy by deception, for example, by giving untrue information.
- Paying money to illegally obtain a tenancy.

Having lost accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.

An applicant's eligibility to join the housing register will be kept under review during the application process. If, for example, new information about an applicant's behaviour comes to light after an initial assessment, they may be removed from the housing register.

Each application will be assessed on its own merits and a decision regarding eligibility will be made accordingly. Anyone subsequently excluded from the register will be provided with a full explanation for the exclusion and will be able to appeal against the decision.

If at any time, the Council obtains information that leads it to believe that an applicant already on the Housing Register is ineligible it will inform the applicant in writing. If an applicant is ineligible and therefore refused access to the Council's scheme, they will be advised in writing of the decision and the reasons for the decision.

Under section 167(4) of the Housing Act 1996 an applicant has a right to request a review of any such decision in accordance with the regulations made by the Secretary of State on the Conduct of such reviews. Any request for a review must be made within 21 days of the person being informed in writing of the Council's decision. The Council will determine the review within 56 days of the request or such longer period as may be agreed with the applicant. The Council will notify the applicant of the outcome of the review including the reasons if the original decision is confirmed. The Council's decision

on review is final and any challenge to that decision can only be made through judicial review proceedings.

Where an applicant is ineligible under the Council's scheme they will be entitled to re-apply if s/he considers that the local authority should no longer treat them as ineligible.

The Council will also take into account an applicant's financial resources in determining where on the scale of reasonable preference he or she should be placed. Regard will be had to any resources wherever in the world they are situated. This category applies to households whose total gross income from all sources exceeds the threshold for the higher rate of income tax (currently calculated at £33,500) or whose household's capital assets exceeds £60,000. Such applications will not be considered for housing unless and until all applicants with higher priority have been housed. This is unlikely to happen as higher priority applicants will be continually be joining the lists.

This restriction does not prevent applicants from necessarily being considered for any 'Shared Ownership' or 'Homebuy' schemes. The rules for acceptance under these schemes are different and are applied on a scheme-by-scheme basis. Many such schemes are administered directly by Housing associations.

Applicants not currently living permanently in the UK will be suspended from consideration.

### **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.

Chorley Council will work with the Police and Probation Services to assess and manage risk and will apply special arrangements where cases are referred through either 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 will be agreed, including a full discussion of a range of housing options which is most appropriate to the customer's circumstances and supervision needs.

This may result in restrictions being placed on the choice of property 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.

## **REVIEW OF DECISIONS AND COMPLAINTS**

### **Asking for a decision to be reviewed**

Applicants have rights under the Act to ask for the review of a decision. The following decisions are subject to the right to request a review:

- 1) The applicant's housing application has been refused on the grounds they are not eligible
- 2) The applicant is removed from the housing register on the grounds they are no longer eligible.
- 3) The applicant has been given reduced priority or no priority on the grounds of serious unacceptable behaviour
- 4) Any decision about the facts of a particular application which have been taken into account to assess whether an allocation should be made
- 5) The applicant has refused a direct allocation of accommodation.

Applicants should request a review within 21 days of being notified of a decision.

Reviews will be carried out by a senior member of Chorley Community Housing staff who was not involved in the original decision.

### **Complaints**

An applicant who is not satisfied with the service that they receive may register a complaint with the Council's Complaint procedure by telephone, e-mail or in person at the Council's main office. All complaints will be acknowledged and investigated.

The applicant may also make a complaint to the Local Government Ombudsman if he/she believes that mal-administration has taken place.

### **False or withheld information**

Under Section 171 of the Act, 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.

If an applicant, or a person acting on his or her behalf, has given false information or withheld information it could:

Affect an applicant's eligibility to join the housing register, if appropriate, be taken into account in prioritising applicants who have reasonable preference; or, if appropriate, result in the applicant not being given preference at all.

Where there is an allegation or suspicion that a person has given false information, or has withheld information, the application will be suspended pending the outcome of an investigation.

If the Council assessing the application is not satisfied that it has been able to verify the true facts or that it has all the facts it needs to assess the application within a reasonable time, it will cancel the application or not register the application. The applicant can subsequently make a fresh application providing all the required information, and if this is accepted the date of registration will be that of the fresh application, with no backdating.

## **10) Change of Circumstances, cancelled and deferred applications**

### **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, they will be sent a reminder. Failure to return the reminder will result in the applicant being removed from the Register. If good reason can be shown why they failed to respond to the review the application may be reinstated.

### **Change of Circumstances**

All applicants are required to notify Housing Options immediately of any change to their circumstances, which may affect their priority for rehousing. Applicants who have had a change of circumstances and have not informed Housing Options may be deferred while investigation takes place.

Under s.171 of the Housing Act 1996, it is an offence for applicants to deliberately give false information or to withhold information relevant to their application, and if found guilty, will be liable to a maximum fine of £5000

### **Cancellation of Applications**

Applications will be cancelled for one or more of the following reasons:

applicant requests cancellation;  
Applicant's circumstances change and they are no longer eligible;  
Applicant fails to return a review form;  
Applicant is found following investigation to have made a false or deliberately misleading statement in connection with their application.  
Applicant has been housed in a secure or assured tenancy by another Local Authority or a Housing Association in or outside of the Chorley area.

### **Deferred Applications**

Applicants who do not wish to be immediately considered for housing can request to be placed on a deferred list and will not be considered for housing until they request that their application is placed on the active Housing Register.

## MONITORING AND EVALUATION

The operation of this policy is reviewed annually and will be subject to periodic refresh light of experience gained from their operation and emerging best practice.

The Council will monitor the administration of this policy and this includes:

- ✓ Average re-let times & void rent loss
- ✓ Ethnicity of applicants and allocations
- ✓ New customers with disabilities compared to Census data
- ✓ Customer refusals
- ✓ Reasons for rejection and exclusion
- ✓ Customer satisfaction levels
- ✓ Numbers of nominations, direct applicants, and transfers
- ✓ CORE Data
- ✓ Reports on the above monitoring areas are submitted to Senior Managers in the Council, and results published for the public.

**Glossary**

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## APPENDIX 1

### Reasonable Preference

This Policy assesses the relative priority of applicants by placing them in the Priority Bands in section 8.

*The Allocation of Accommodation: Choice Based Lettings code of guidance for Local Housing Authorities* (consultation published by Communities and Local Government in August 2008) says:

In the Secretary of State's view, a banding scheme will normally need to distinguish between at least four broad levels of priority in order to comply with the requirements of s.167, as follows:

- People with no entitlement to reasonable preference.
- People entitled to reasonable preference on a single, non-urgent basis.
- People entitled to reasonable preference on a cumulative basis.
- People entitled to additional preference (being persons with urgent housing needs).

The reasonable preference categories in section 167(2) of the Housing Act 1996 are:

- People who are homeless (within the meaning of Part 7 of the Act);
- People who are homeless and in priority need but homeless intentionally;
- People who are homeless and in priority need and not intentionally homeless;
- People threatened with homelessness and in priority need and not intentionally homeless;
- People who are not intentionally homeless but not in priority need;
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds (including grounds relating to disability).
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

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