



# **HOUSING ALLOCATIONS POLICY**

## **2015**

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# HOUSING ALLOCATIONS POLICY - 2015

## SECTION 1: INTRODUCTION

### 1.1 Framework

- 1.1.1 *Why we have a policy* - As a Strategic Housing Authority, Newcastle-under-Lyme Borough Council is required to have an Allocations Policy to ensure that households in housing need are given priority for rehousing within the affordable housing available in the Borough.
- 1.1.2 Although the Council no longer has a statutory duty to administer a formal Housing Register, it has made a policy decision to retain the register as a means of prioritising applicants, identifying needs and to inform the Housing Strategy for the Borough. This Policy has been produced to ensure compliance with the requirements of the Housing Act (1996) Part VI, as amended by the Homelessness Act (2002), the Localism Act (2011) and the Codes of Guidance on Allocations and Homelessness.
- 1.1.3 This Policy will be regularly reviewed and revised in the light of any relevant legislative changes, regulations issued by the Secretary of State and changes to the Codes of Guidance.
- 1.1.4 The Council has a 75% nomination right to access Aspire Housing's housing stock, who own and manage the housing stock, following Large Scale Voluntary Transfer in February 2000. Most of the waiting list lettings are made by Aspire Housing. The Council also generally has 50% nomination arrangements with other Registered Providers (RPs) operating in the Newcastle-under-Lyme area that are administered by Newcastle Housing Advice through the Housing Register function. The following RPs have affordable housing within Newcastle-under-Lyme:
- Affinity Sutton
  - Alpha Homes
  - Anchor Homes
  - Aspire Housing
  - Bromford Housing Group
  - Wrekin Housing
  - Sanctuary Housing Group
  - Staffordshire Housing Association
- 1.1.5 The majority of nominations and lettings are for social rented properties, however, this Policy also covers other forms of affordable housing including shared ownership and some supported housing. In many instances specialist types of affordable housing will have additional eligibility criteria and prioritisation of households may involve other partner agencies. For example Extracare schemes may require care assessments to be undertaken and prioritisation will involve Social Care and Health at Staffordshire County Council.
- 1.1.69 *Delivery of the service* - The Council's statutory duties in relation to homelessness and housing advice are delivered through Newcastle Housing Advice. The Newcastle Housing Advice service is referred to as NHA. NHA operate a Choice Based Lettings (CBL) scheme called Homesdirect that gives customers more choice about where they wish to

live and gives them a better idea of what homes are available in the Newcastle-under-Lyme area.

- 1.1.7 Delivery of good quality housing advice is clearly dependent on close knowledge of the current housing market and housing needs together with the implementation of the Allocations Policy. For these reasons both the Council and our housing provider partners support the delivery of the policy through the NHA service.

## **1.2 Aims of the Policy**

- 1.2.1 This Policy supports the Borough Council's Housing Strategy aim:

*“To ensure that present and future residents of the Borough have greater choice in being able to live in a home that is affordable, in good condition and adequately meets their needs”.*

- 1.2.2 The overall aim of the Allocations Policy is to provide a framework for the equitable, effective and accountable allocation of affordable housing in Newcastle-under-Lyme. The Policy gives priority to those in greatest housing need, but also reflects the wider objectives of increasing choice, promoting stable and sustainable communities and making the most effective use of available housing stock.

## **1.3 Objectives**

- 1.3.1 This Policy and the operation of Homesdirect have the following objectives:
- To build community cohesion and sustainability, enabling home seekers in the Borough to have choice in where they live and to encourage people to contribute positively to their community by enabling the use of local lettings policies where appropriate.
  - To meet the needs of homeless households, with an emphasis on preventing homelessness, by increasing tenure choice through a housing options approach.
  - To enable the Council to meet its statutory duties – including where duties are owed to homeless households under Part VII of the Housing Act (1996), as amended by the Homelessness Act (2002).
  - To provide increased customer focus and to provide better information to applicants and our partners in the voluntary and statutory sector
  - To make the most effective use of the housing stock within the Borough with our partners.
  - To contribute to the creation of balanced communities by ensuring equality of access and outcomes for housing applicants
  - To contribute to mobility in the affordable housing sector across the sub-region.
  - To deliver greater effectiveness and efficiency savings and to share good practice across the sub region with our partners.

## **1.4 Choice of Accommodation**

- 1.4.1 Applicants are encouraged to provide all relevant information in support of their application and every effort is made to offer properties that meet their needs and preferences as far as possible.
- 1.4.2 Applicants have the freedom to choose where they wish to live and are provided with information about the availability of accommodation in all areas.

- 1.4.3 Through the operation of Homesdirect applicants can bid for properties across the Borough, unless a property is advertised for a specific group or applicant and/or their household members (see 2.11.4). The more flexible applicants are in their area of choice, the sooner they are likely to be successful in bidding for rehousing.
- 1.4.4 Preference is given to applicants with a local connection with Newcastle-under-Lyme (i.e. applicants who have lived in Newcastle for at least 6 months, or who have lived in Newcastle for three out of the past five years).
- 1.4.5 Applicants can place an unlimited number of bids. Where applicants are owed a duty under the homelessness legislation, they will be made one offer of accommodation; NHA can place a bid on the first suitable property on the customer's behalf. This is covered in more detail in Section 2.11 of this Policy.
- 1.4.6 Where applicants have the ability to secure alternative accommodation or affordable home ownership, advice and assistance will be offered to enable households to access any national or local schemes as appropriate. This may be through signposting or referral to other landlords.
- 1.4.7 Existing social housing tenants will also be offered the choice to participate in exchanges with other Local Authority, RPs and Housing Trust tenants. Homesdirect is part of the National Homeswap Scheme and social housing tenants will be able to look for exchanges with other mutual exchange schemes. Some schemes will make a charge to register on their site, unless the landlord is a member of the scheme.
- 1.4.8 Existing social housing tenants who are requesting a transfer are encouraged and signposted to contact their Registered Provider to discuss their housing options and circumstances.
- 1.4.9 Special consideration is given to persons seeking rehousing in rural communities with which they have an existing or previous proven connection. Where rural housing has been developed as part of a Section 106 planning condition these properties will be advertised for households with specific rural needs and applicants in housing need meeting these requirements will be prioritised.
- 1.4.10 Some customers who are offered properties within Homesdirect may be invited to participate with Registered Providers who offer practical information to help them prepare for a tenancy and sustain their tenancy responsibly.

## **1.5 Equal Opportunities**

- 1.5.1 The Council is committed to equal opportunities and anti-discriminatory practice in service provision and seek to promote social inclusion.
- 1.5.2 This Policy aims to provide fair and equal treatment to all applicants, regardless of race, colour, ethnic origin, nationality, religion, gender, marital status, sexual orientation, age or disability. This involves an objective assessment of the housing needs of all applicants and equal treatment of all tenants, together with a sensitive response to the special needs of groups and individuals.
- 1.5.3 This Policy complies with the requirements for the Sex Discrimination Act (1975), Race Relations Act (1976), Disability Discrimination Act (1995), Protection from Harassment Act (1997) and the Commission for Racial Equality's Code of Practice in Rented Housing and the Equality Act (2006).
- 1.5.4 For monitoring purposes applicants may be asked to provide personal details of their ethnic origin, race, religion, sexual orientation and disability. This is not a requirement for acceptance onto the Housing Register.
- 1.5.5 In line with the relevant discrimination acts and to enable Officers to assess the delivery of the service for the Equality Impact Assessments, records will be kept on a range of applicants' personal equality information which will be dealt with in line with the Data Protection Act.

## **1.6 Advice, Assistance and Information**

- 1.6.1 NHA will provide advice and information to people about applying for a home and give assistance to people who have difficulty in making an application. A translation service is available for those who do not speak English and who do not have anyone who can assist them.
- 1.6.2 Applicants on the Housing Register are entitled to information about any decision on the facts of their application. Applications are made on line and are assessed automatically based on the information provided. Applicants will be advised of their priority banding.
- 1.6.3 This advice and information about housing options will be provided to households free of charge. This advice and information may cover issues relating to homelessness and the prevention of homelessness, owner occupation, shared ownership, private sector tenancies, housing association tenancies and mutual exchanges.
- 1.6.4 Where specialist advice is necessary, for example, if there are complex legal or financial problems, applicants will be referred to specialist agencies that can help them. Where appropriate, referrals will be made to agencies providing support for vulnerable people.
- 1.6.5 For those people who have difficulty applying on line or participating in the allocation scheme generally due to a medical condition or vulnerability, NHA will assist customers when necessary.
- 1.6.6 Some vulnerable applicants will need assistance in responding to advertised vacancies. NHA will seek to identify vulnerable applicants at application stage and help them to manage their application for housing assisting with placing a bid, making referrals to other agencies as appropriate and

considering other housing options. NHA may also set up automatic bidding on their application.

## **1.7 Publicity**

- 1.7.1 The Council will make every effort to ensure that stakeholders, partner agencies and applicants can access information about the Allocations Policy. The Policy is available on the Council and Homesdirect website.



## **SECTION 2: THE HOUSING REGISTER & BANDING SCHEME**

### **2.1 Definition of terms**

- 2.1.1 The term “applicant” will include single people and the term “joint applicants” will include couples where spouses or partners could be joint tenants.
- 2.1.2 The term “household” includes all individuals included in the applicant’s application. A household may therefore be an individual, a couple, a family or two or more individuals who wish, or need, to live together in the long term. Short term sharing arrangements or temporary part time arrangements will not normally qualify as a household for general needs lettings.

### **2.2 How to apply for housing**

- 2.2.1 Customers can apply for accommodation in any of the following ways:
- Via the NHA website [nhaoptions.co.uk](http://nhaoptions.co.uk) or [Homesdirect.org.uk](http://Homesdirect.org.uk)
  - Either in person at NHA 61- 63 Lower Street Newcastle ST5 2RS
  - By telephone to NHA, between the hours of 9am and 5pm, Monday to Friday 0345 850 9698
- 2.2.2 We will offer an interpretation service and make sure that all our publications are available in a range of formats and languages if this is required.

### **2.3 People who are eligible to join the Housing Register**

- 2.3.1 Normally, anyone aged 16 or above can apply for housing.
- 2.3.2 The ruling from recent case law known as the Southwark judgment, confirmed that any lone, homeless child aged 16 or 17 should be provided with accommodation under Section 20(1) of the Children Act (1989) unless the child is not in the local authority’s judgment (based on an initial screening assessment), a child “in need”.
- 2.3.3 In nearly all cases, the impact of a 16 or 17 year old child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the child’s welfare that the child will be a child “in need”. The House of Lords reiterated that the Children Act has primacy over the Housing Act in providing for children in need. The duties of local children’s services authorities to accommodate children in need cannot be circumvented by referring the child to the housing authority, whose duties under Part 7 of the *Housing Act (1996)* provide a safety net only for those (very few) homeless children who will not meet the criteria for accommodation under section 20 of the 1989 Act. All applicants will be dealt with in line with the Young Persons Protocol. The consent of the applicant will be obtained before the referral is made.
- 2.3.4 Whilst all applications from 16/17 year olds will be considered, the following circumstances will normally be expected to apply:
- where the applicant has a dependent child or children or is pregnant;
  - where the applicant is a successor to a tenancy;
  - where any Registered Provider has directly managed properties with support that are appropriate for 16 and 17 year olds.

In all cases, the applicant may be offered an Equitable Tenancy or an assured tenancy, with housing related support provided by a specialist agency until they are able to manage the tenancy independently. Wherever possible, a guarantor will be sought for the tenancy i.e. the local Children's Services department, a responsible Agency or a responsible adult acceptable to the Registered Provider to whom a nomination may be made.

## **2.4 Eligibility**

2.4.1 The Housing Act (1996) Part VI, as amended by the Homelessness Act (2002), requires Local Authorities to consider applications for housing that are made in accordance with the procedural requirements of the authority's allocation scheme. In considering applications, authorities must ascertain:

- If an applicant is eligible for an allocation of accommodation, and
- If he or she qualifies for an allocation of accommodation.

2.4.2 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations'). Eligibility will be assessed by NHA at the time that the person is considered for making an allocation to him or her

2.4.3 There are two classes of person who are ineligible for an allocation of accommodation, in accordance with the provisions of s.160ZA of the Housing Act (1996), as amended by the Homelessness Act (2002) and Localism Act (2011):

- A person subject to immigration control, as decided by statute and regulation (see Section 2.4.4 below);
- A person from abroad other than a person subject to immigration control (see Section 2.4.5 below).

2.4.4 People who are subject to immigration control under the Asylum and Immigration Act (1996) are ineligible for re-housing, unless specifically permitted under regulations published by the Secretary of State (as detailed in Sections 160AZA(2) of the Housing Act (1996) as amended by the Homelessness Act (2002)). These include persons who have been granted refugee status, or exceptional or indefinite leave to remain, with no conditions or limitations attached.

2.4.5 Regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)). These are predominantly short-term visitors, people who fail the "habitual residence" test and people from outside the United Kingdom who are in breach of or whose residence does not comply with the European Union Rights of Residence, Directive and statutory instruments.

2.4.6 Existing tenants are not affected by these provisions and are able to apply regardless of their immigration status. Applicants who believe they are no longer ineligible can reapply at any time, explaining why they consider their circumstances have changed to now qualify.

## **2.5 Qualification**

2.5.1 The Localism Act (2011) gives Local Housing Authorities additional powers to determine what persons are or are not qualified to be allocated social housing within their district.

- 2.5.2 Applicants may not be eligible for an allocation of a general needs tenancy where there is insufficient evidence of their ability to conduct a general needs tenancy or there is felt to be insufficient support available for them to live independently. For example, for some customers there may be a need to have a mental capacity assessment including a full support plan to be eligible to go on the Housing Register. Applicants will be required to agree to engage with relevant support from official agencies where this is identified.
- 2.5.3 In order to ensure that we are meeting the needs of the local community only applicants with a local connection to the Borough will be placed on the Housing Register, with the exception of applicants aged 55 or over who are eligible for bungalows and/or sheltered accommodation (such applicants would be placed in Band 7 regardless of circumstances and be considered after all applicants who have a local connection) (see Section 2.8 below).
- 2.5.4 In accordance with the powers provided by the Localism Act (2011) Applicants may not qualify for social housing if they are; a person whose behaviour is serious and unacceptable enough to make them unsuitable to be a tenant. (see Section 2.6 below).

## **2.6 Qualifying Persons**

- 2.6.1 The Localism Act (2011) permits Local Authorities to determine what persons are or are not qualified to be allocated housing. For the purposes of this Policy, the Council (and NHA) consider a Housing Register applicant to be ineligible for the allocation of accommodation where:
- The applicant or a member of their household whose behaviour is serious and unacceptable enough to make them unsuitable to be a tenant of the authority; and
  - In the circumstances at the time his application is considered, he is unsuitable to be a tenant of the authority by reason of that behaviour.

- 2.6.2 A three-stage test of '*suitability*' will be applied to every application for accommodation, to assess whether to exclude:

1. Has the applicant or a member of their household behaved in a serious and unacceptable manner, which is enough to make them unsuitable to be a tenant of the authority?
2. At the time of the application, is the tenant still unsuitable to be a tenant of the authority by reason of his behaviour, or the behaviour of a member of his household?

The present circumstances of the tenant must also be considered i.e. relevant circumstances such as health, dependants or other factors such as the behaviour of a member of the applicant's household who had since left the household, therefore the decision to exclude would not be justified.

3. Was the unacceptable behaviour serious enough to entitle a landlord to consider commencing legal proceedings or to pose a significant risk to the community?

NHA will make checks on applicants' current and previous local authority or RP tenancies for all direct applicants and nominations regarding tenancy

conduct and rent arrears debts and will have the discretion to decide if the history of behaviour is 'unacceptable' by considering all the facts. Checks may also be made in respect of the conduct of private rented tenancies where appropriate as well as information obtained via risk assessments from relevant agencies. Current and future support needs may be taken into consideration.

The following instances would provide evidence of non-satisfactory tenancy conduct that could lead to an applicant being rejected on the basis that the behaviour (by the applicant and/or a member of their household) is serious enough for exclusion;

- significant current or former rent arrears, unless there are exceptional circumstances and NHA is satisfied that they are keeping to an arrangement made with the landlord to clear the debt.
- serious nuisance/annoyance to neighbours, e.g. where there is evidence that an applicant or member of their household have committed serious anti-social behaviour, including harassment, racial harassment or violence, are the subject of an ASBO, injunction or other legal proceedings due to breach of tenancy conditions or anti-social behaviour;
- committing certain criminal offences in the community and still posing a threat to neighbours or the community and it is considered that such behaviour would make them unsuitable to be a tenant;
- being convicted of using former accommodation or allowing it to be used for immoral or; illegal purposes such as drug dealing;
- serious damage / neglect or abandonment of a property;
- abusive or threatening behaviour towards members of staff at NHA and other agencies;
- providing false information or omitting relevant information on the application form.

#### Note

*Applications from offenders or ex offenders will be considered in line with the above, and every effort will be made to ensure that appropriate support services are put into place. However, if support services cannot be identified, the individual's needs will be balanced against the interests of the wider community. Such applicants will be rejected, despite recognition of the principles of the Rehabilitation of Offenders Act (1974), if it is considered that it would not be in the interests of the wider community to make the letting.*

2.6.3 Applicants must be able to demonstrate that where previous unacceptable behaviour applies, that they are no longer deemed as unsuitable tenants. Applicants can re-apply when they can prove this is no longer the case and NHA will consider a fresh application.

2.6.4 This above section relates only to applicants who may be ineligible and therefore excluded from the Housing Register for unacceptable behaviour. Other groups of applicants may have reduced preference because of previous unacceptable behaviour (see Section 2.7 below).

## **2.7 Reduced Preference**

2.7.1 People who are ineligible for rehousing due to serious and unacceptable behaviour will be excluded from the Housing Register (see Section 2.6 above).

2.7.2 Applicants awarded Reduced Preference will be placed in Band 6 and will be considered for properties after other applicants with housing need.

- 2.7.3 Reduced Preference will normally be given when an applicant, or any member of their household:
- Has a history of unacceptable behaviour (see Section 2.7.4 below)
  - Has the ability to secure alternative accommodation because they have sufficient means (see Section 2.7.5 below)
- 2.7.4 Applicants who are assessed as having a history of unacceptable behaviour or who pose a risk to the community following investigations may be given reduced preference and placed in Band 6. This may be the existence of rent arrears or incidents of anti-social behaviour or poor/inappropriate tenancy conduct and will be used to determine the applicant's priority. Each of these cases is considered on its own merits.
- 2.7.5 Applicants who are assessed as having sufficient means including capital, savings or regular income to afford other housing options such as outright purchase, shared ownership or rental within the private sector may be given reduced preference and placed in Band 6, in line with the Equity Protocol. An assessment will be made of their ability to pursue other housing options based on all the circumstances of their application.
- 2.7.6 NHA will request information to ensure that it is able to fairly determine the circumstances of an applicant and to assess need. Decisions on whether to make an offer of accommodation in these circumstances will be made on a case by case basis and will be made by the Senior Housing Advisor or nominated officer as appropriate.
- 2.7.7 Applicants will have the opportunity to have their Banding award reviewed under the Allocations Appeals Procedure should they wish to challenge the decision (see Section 3.10 below).

## **2.8 Local Connection**

- 2.8.1 The Housing Act (1996), as amended by the Localism Act (2011) enables Housing Authorities to better manage their housing waiting lists by giving them the power to determine which applicants do or do not qualify for an allocation of social housing within their district. Housing Authorities are able to operate more focused housing registers to better reflect local circumstances and to be more readily understood by local people in order to manage unrealistic expectations by excluding people who have little or no prospect of being allocated accommodation.
- 2.8.2 In order to ensure that we are meeting the needs of the local community only applicants with a local connection to the Borough will be placed on the Housing Register, with the exception of social housing tenants wishing to move for employment and applicants aged 55 or over who are eligible for bungalows and/or sheltered accommodation Applicants with no housing need in this age group will be prioritised before applicants without a local connection
- 2.8.3 The following persons shall normally be considered to have a local connection with Newcastle-under-Lyme if they or anyone who is moving with them:
- has lived in Newcastle-under-Lyme by choice for a certain time (usually for 6 months out of the last 12 months or for 3 years out of the last 5 years)
  - has close family living in Newcastle-under-Lyme and who have lived in Newcastle-under-Lyme for at least the previous 5 years

- has, or the offer of, settled employment (paid or unpaid) in Newcastle-under-Lyme
- has special circumstances that gives rise to a local connection

Special circumstances may include but are not limited to:

- persons to whom NHA has accepted a duty to secure accommodation because they are homeless
- persons who are not currently resident in the district but who have a need to be near close relatives to give or to receive their support
- persons who have previously served in the Armed Forces, where the housing register application is made within 5 years of discharge. (see 2.8.4)

For the purposes of the above, living in the area means living in permanent accommodation of an applicants own choice 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.

- 2.8.4 The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012 and Section 146 of the Localism Act (2011) state that a local housing authority must not apply residency requirement criteria to armed forces personnel. Armed forces personnel included those persons who are currently serving in the armed forces or have served in the last 5 years preceding their application for allocation of social housing. For this purpose when dealing with applications from armed services personnel, NHA will assess and award reasonable preference on the Housing Register without the need to establish a local connection with the Borough.

## **2.9 Reasonable Preference Groups**

- 2.9.1 This Allocations Policy has been developed to ensure that the banding system complies with the reasonable preference groups set out in s.167(2) of the Housing Act (1996). The reasonable preference groups are:
- applicants who are homeless, including non priority and intentionally homeless people
  - applicants who are owed a duty under the homelessness legislation
  - applicants occupying unsanitary or overcrowded housing or otherwise unsatisfactory housing conditions
  - applicants who need to move on medical or welfare grounds, including grounds relating to disability
  - applicants who need to move to a particular locality in the area and failure to meet that need would cause hardship

## **2.10 Applicants owed the main homelessness duty**

- 2.10.1 If someone is threatened with homelessness, then they will be required to attend a housing options interview to discuss their rehousing choices with NHA, who seek to prevent homelessness at all times.
- 2.10.2 People owed the main homelessness duty (under s.193(2)) will be made one offer of accommodation under Part VI of the Housing Act (1996).

- 2.10.3 Applicants accepted under the Homelessness legislation will be placed in Band 1.
- 2.10.4 When applicants are owed the main homelessness duty (under s.193(2)), NHA may make assisted bids on the applicants' behalf, as their circumstances indicate an acute and urgent housing need to be accommodated.
- 2.10.5 When a Homelessness offer is made this will be a final offer of accommodation under Part VI in accordance with Section 193(7) of the Housing Act (1996). The final offer will be made in writing. If the applicant accepts the offer, the main homelessness duty comes to an end.
- 2.10.6 NHA will advise the applicant of the right to request a review of the suitability of the accommodation, whether or not the offer of accommodation is accepted. If after review, the offer was deemed to be suitable, no further duty will be owed under Part VI. Where the applicant is living in temporary accommodation, a Notice to Quit will be issued.
- 2.10.7 The Council is keen to ensure homelessness is dealt with according to legislation and best practice. We are determined to ensure families under threat of homelessness have available a package of preventative measures. We will therefore use the Allocations Policy to the greatest effect and provide opportunities for families to access housing as Band 3 cases, exercising choice to prevent homelessness occurring.
- 2.10.8 Applicants who are no longer owed a duty under Part VII will be reassessed under the banding scheme and will continue to be able to participate under Homesdirect with their newly assessed priority.

## **2.11 Housing needs assessments and bedroom entitlement**

- 2.11.1 Housing needs assessments will be made taking into account the size of the property that the applicant resides in and the best use of available space to determine bedroom entitlement. For example if a household is using a bedroom as a study they would not be assessed as lacking a bedroom.
- 2.11.2 The following bedroom standards for assessing housing need will apply in most circumstances:
- Married or cohabiting couples will be assessed as requiring 1 bedroom;
  - Any single person aged 16 years or over will be assessed as requiring 1 bedroom;
  - Adult households with no children will be assessed as needing a bedroom for each adult over the age of 16 , for flats only
  - Families with 1 child will be assessed as requiring 2 bedrooms;
  - 2 children of the same sex will be assessed as requiring 1 bedroom; however when the eldest child reaches 16 years, they will then be assessed as requiring 2 bedrooms.
  - 2 children of the opposite sex both under age 10 years, will be assessed as requiring 1 bedroom; however when the eldest child reaches 10 years, they will then be assessed as requiring 2 bedrooms.
  - Larger families with 3 or more children will be assessed as above, taking into account numbers, ages and sex of the children.

The above criteria will be used when assessing the relevant Band that an applicant will be placed into.

- 2.11.3 Circumstances which require additional bedrooms may also be:
- Foster parents will be provisionally accepted for the size of property they would require if the foster child was living with them, subject to evidence of the foster care arrangements being provided at the interview stage, usually by third party confirmation through Social Services;
  - Carers who have responsibility for care of other relatives e.g. elderly parents, where this is confirmed by a relevant agency;
  - Couples who require an additional bedroom for medical reasons, where this is confirmed by a relevant agency.

The above will be subject to affordability assessment and liability for the under occupancy charge where applicable.

2.11.4 Families with children will be eligible for both flats and houses in line with the bedroom entitlement outlined above. There may be properties advertised that are not suitable for some applicants and household members, for example, families with children under the age of 5 are not eligible for flats that are 2 floors or above with no access to a lift . These properties will be advertised with information to inform applicants of their eligibility.

2.11.5 Applications from divorced / separated non resident parents who want to provide accommodation for children from former relationships to stay overnight will not normally be given an extra bedroom. NHA may consider some special circumstances on a case by case basis. This will be subject to affordability assessment including any liability for the under occupancy charge where applicable.

2.11.6 Parents may be asked for evidence of residence orders or access arrangements and supporting evidence from other agencies may be required where conflicting information is given. In most cases, the parent receiving Child Benefit will be considered as the principal carer and the person with care and control of the children.

2.11.7 Pregnant women with no children will be considered for 2 bedroom properties when they produce their MATb1 Form at 26 weeks. Pregnant women with children, upon receipt of the MATb1 Form will have their bed space entitlement recalculated depending on the age of the children within the family as described above. It may be necessary to alter this decision when the new child is born and the sex of the new child is known.

2.11.8 Single Persons or Couples over the age of 55 years will be eligible for 1 bedroom bungalows. Couples over the age of 55 will be eligible for 1 and 2 bedroom bungalows. This will be subject to an affordability assessment including any liability for the under occupancy charge where applicable. Applicants aged 55 and over may also be eligible for sheltered housing, when an applicant is in receipt of disability related benefits. However, if no disability related benefits are received an applicant must be over the age of 60 years to access sheltered housing. Registered Providers do have discretion to be flexible with their management of sheltered housing stock and may reduce the age eligibility criteria. These properties will be advertised with information to inform applicants of their eligibility.

2.11.9 The table below outlines the property types and sizes that an applicant may be eligible to bid for, depending on their household type;



	Sheltered Housing	Studio Flat	1 Bed Flat	1 Bed Bungalow	1 Bed House	2 Bed Flat	2 Bed Maisonette	2 Bed Bungalow	2 Bed House	3 Bed Flat	3 Bed Maisonette	3 Bed Bungalow	3 Bed House	4 Bed House
Single Person or Couple under 55 years Adult households (to be assessed in line with bedroom entitlements ie 2 adult household will be entitled to 2 bed flat or maisonette)		✓	✓		✓									
Single Person or Couple over 55 years	✓	✓	✓	✓	✓									
Single Person or Couple expecting a baby						✓	✓		✓					
Households with 1 Child						✓	✓		✓					
Households with 2 same sex children						✓	✓		✓					
Households with 2 opposite sex children where both children are under 10 years						✓	✓		✓					
Households with 2 same sex children and the eldest is 16 years or over										✓	✓	✓	✓	
Households with 2 opposite sex children where the eldest child is 10 years or over										✓	✓	✓	✓	
Households with 3 or more children will be assessed as above, taking into account numbers, ages and sex of the children										✓	✓	✓	✓	✓

## 2.12 Under Occupation

2.12.1 Properties may be under occupied (i.e. let to households who may not have an immediate need to use all the bedrooms, such as a 2 bedroom house let to a couple) in the following circumstances:

- A pregnant woman, at 26 weeks plus (see Section 2.10 above) will be treated as a woman with a young child;
- Lower demand properties to achieve a letting;
- Properties that are assessed as unsuitable for families e.g. three bed flats in sheltered housing schemes;

**In such instances applicants are advised to check their entitlement to any subsidy for their housing costs for the additional bedrooms**

## 2.13 Overcrowding

- 2.13.1 When assessing overcrowding, NHA will take into account all the people who are currently living within the household, on the condition that these additional people have not deliberately and intentionally moved into the household to create overcrowded conditions. However, for the purposes of housing needs assessments and deciding the requirement for bedrooms, consideration will only be given to those people who are part of an applicant's household.
- 2.13.2 Applicants will be deemed to be severely overcrowded when they are lacking two or more rooms than they would be entitled to under this Policy. Applicants will be deemed to be overcrowded when they have one room less than they would be entitled to under this Policy.
- 2.13.3 Priority will **not** be given for overcrowding if this is the result of deliberate acts or omissions, where people have moved into household to create overcrowded conditions. NHA will consider the reasons and the circumstances surrounding these acts and omissions, and will make an assessment as to whether the move into household, which created the overcrowded condition, was both reasonable and justified.
- 2.13.4 If applicants need an extra room for medical or welfare/hardship reasons, they will instead be assessed for medical or welfare priority. If applicants need an extra room for any other circumstances, this will be assessed and NHA will exercise discretion in these cases. Due to the high demand for housing, it is likely that this discretion will only be exercised in exceptional cases.
- 2.13.5 Where the applicant is not the main person who cares for the children named in their housing application, the children may not be taken into account in the assessment of overcrowding.
- 2.13.6 When assessing the "*sole use of bedrooms*", this will be based both on the declaration within the housing register form, However, where it is deemed appropriate, this self declaration will be considered with an objective assessment as to the '*reasonable use of the bedrooms within the particular property*'.

## 2.14 The Banding Scheme

- 2.14.1 This Policy uses a Banding scheme to determine priority between applicants. Bids will be organised and prioritised according to the banding placement of the bidders, and within Bands the priority will be determined by the date of the application.
- 2.14.2 Where two or more eligible applicants apply for a property, are within the same Band and have the same date on the Housing Register, NHA will consider which household has the best "fit" for the property with regard to household size. This may include discussion with the relevant Registered Provider.

2.14.3 The Banding Scheme is set out below;

<b>Band 1</b>
<p>Applicants who have been assessed as being statutory homeless and who are owed a full duty by Newcastle-under-Lyme Borough Council, as assessed under the homelessness legislation by NHA or accepted for referral under the homelessness legislation by NHA.</p> <p>Applicants who have been assessed as requiring alternative accommodation because of urgent racial harassment, harassment and domestic violence and where it has been ascertained by NHA following inquiries that the personal safety of applicants or a member of their household is seriously threatened.</p> <p>Applicants whose homes are in the Borough and are subject to a demolition order or a prohibition order/emergency prohibition order covering a main part of a building or are included within a clearance area.</p> <p>Applicants whose household is subject of Child Protection – where serious concerns have been raised by Children and Families Service relating to the suitability of the present accommodation.</p> <p>Applicants or a member of their household who are affected by an urgent and severe medical condition and remaining in their current accommodation would have a severely detrimental effect on their health or they cannot be discharged from hospital as their home is totally unsuitable.</p>
<b>Band 2</b>
<p>Applicants who are assessed by NHA as a Preference System Case. This will only be awarded in exceptional cases where an applicant needs to move urgently.</p> <p>Applicants whose household has been assessed as requiring a Disabled Facilities Grant (DFG) but moving would be a more efficient way to meet their needs.</p>
<b>Band 3</b>
<p>Applicants who are threatened with homelessness, who are working towards homeless prevention with NHA, and who NHA believe they would be likely to accept as statutory homeless when all investigations are completed.</p> <p>Applicants who are Social Housing tenants and are under-occupying their accommodation by 2 or more bedrooms or who have an adapted property that they no longer need.</p> <p>Applicants who are Social Housing tenants who have been assessed and notified of the end of their fixed term tenancy due to inappropriate size of the accommodation.</p>
<b>Band 4</b>
<p>Applicants or a member of their household who are seriously affected by their health and/or mobility and where living in their current accommodation is having a serious adverse affect on the health of the person concerned.</p> <p>Applicants where move on accommodation is required from supported housing and this is backed by a clear plan from the support provider and there is an agreed protocol in place.</p> <p>Applicants who need 2 or more extra bedrooms and after an investigation by NHA it has been determined that they or the other occupiers in the household would not have been considered to be intentionally homeless from a previous address.</p> <p>Applicants who are Social Housing tenants who are under-occupying their accommodation by 1 bedroom.</p>
<b>Band 5</b>

Applicants who have been assessed under the homelessness legislation as being homeless and not in priority need, or would be if NHA completed the assessment.

Applicants who have been assessed under the homelessness legislation as being intentionally homeless, or would be if NHA completed the assessment.

Applicants who have carer responsibilities and need to move closer to a friend or relative in poor health.

Applicants or a member of their household whose current accommodation is having an adverse affect on the health or welfare of the person concerned and/or is causing serious hardship.

Applicants who need 1 extra bedroom and after an investigation by NHA it has been determined that they or the other occupiers in the household would not have been considered to be intentionally homeless from a previous address.

Applicants who are tenants with children under 5 occupying a 2<sup>nd</sup> floor (or above) flat. Without access to a lift

#### **Band 6 - (Reduced Preference)**

Applicants who have reasonable preference but have been assessed as a reduced priority under the Policy because of unacceptable behaviour.

Applicants with the financial means to secure their own accommodation, either by outright purchase, shared ownership or rental within the private sector.

#### **Band 7**

Applicants with no housing need who are not existing social housing tenants.

Social housing tenants who are requesting a transfer and do not have reasonable preference will be given band 7 if they have a good tenancy record and need to move for work. Evidence of employment / offer of employment will be required and travelling from current address is unreasonable

Applicants aged over 55 years without a local connection to Newcastle-under-Lyme. Applicants with no housing need in this age group will be prioritised before applicants without a local connection

- 2.14.4 **Applicants in Band 1** – NHA may make assisted bids on the applicants' behalf in, as their circumstances indicate an acute and urgent housing need to be accommodated.

If the bids result in an offer and the offer is refused and the reason considered unreasonable, NHA will reassess the applicant as threatened with homelessness and place into Band 3. NHA will advise the applicant of the right to request a review of the suitability of the accommodation, whether or not the offer of accommodation is accepted.

For more detailed information regarding statutory homeless applicants in this band please see Section 2.11 above.

- 2.14.5 **Applicants in Band 2** – may be assessed by NHA as a Preference System Case. This will only be awarded in **exceptional** cases where an applicant needs to move **urgently**. NHA may make assisted bids on the applicants behalf, as their circumstances indicate an acute and urgent housing need to be accommodated.

If the offer is refused and the refusal considered unreasonable then NHA will reassess the applicant to 2 bands lower and therefore place into Band 4. NHA will advise the applicant of the right to request a review of the suitability of the accommodation, whether or not the offer of accommodation is accepted.

This Preference System will only be applied to exceptional cases. Use of the scheme will be strictly limited and only involve a small percentage of lettings.

Applicants whose household has been assessed as requiring a Disabled Facilities Grant (DFG) but moving would be a more efficient way to meet their needs may also be placed in Band 2 to acknowledge the need for specific or specifically adapted accommodation. This Banding placement will not be time limited because it is recognised that the availability of such accommodation may not be imminent.

- 2.14.6 Applicants in Band 3** - May be assessed by NHA as being threatened with homelessness and this is time limited to 3 months, if there are no bids within his time NHA are able to place able to place assisted bids on the applicants' behalf (in consultation with them), as their circumstances reflect an urgent housing need.

If the offer is refused and the refusal is considered unreasonable NHA will reassess the applicant to 2 bands lower and therefore place into Band 5. NHA will advise the applicant of the right to request a review of the suitability of the accommodation, whether or not the offer of accommodation is accepted.

Applicants who are Social Housing tenants who have been assessed and notified of the end of their fixed term tenancy due to inappropriate size of the accommodation may also be placed in Band 3 and managed by NHA as applicants threatened with homelessness.

Applicants who are Social Housing tenants who are under-occupying their accommodation by 2 or more bedrooms or who have an adapted property that they no longer need may also be placed in Band 3 but this will not be time limited because it is recognised that the availability of the accommodation required by the applicant may not be imminent and it is reasonable for them to wait.

- 2.14.7 Applicants in Band 4** – are assessed by NHA as having a moderate housing need and are not time limited. Assistance may be given to applicants for bidding purposes by NHA if required and will be determined on a case by case basis.
- 2.14.8 Applicants in Band 5** - are assessed by NHA as having a housing need and are not time limited. Assistance may be given to applicants for bidding purposes by NHA if required and will be determined on a case by case basis.
- 2.14.9 Applicants in Band 6** - are assessed by NHA as having a reduced preference (priority). It is used for households who are in housing need, but their circumstances mean that they get a reduced priority on the Housing Register. This may be for unsuitable behaviour; such as owing rent arrears to a former landlord or unacceptable behaviour, or because the applicant

has the financial means to access alternative housing options (see Section 2.7 above).

- 2.14.10 **Applicants in Band 7** – are assessed by NHA as having no housing need (**not social housing tenants**) or who are aged over 55 years and have no local connection to the Borough. Applicants with no housing need will be prioritised before applicants without a local connection in this band. **Applicants who are social housing tenants with no housing need who are requesting a transfer will be given band 7 if they have a good tenancy record and need to be closer to their place of work or have an offer of employment and need to be closer to that workplace.** Evidence of employment / offer of employment will be required and travelling from their current address is unreasonable. Unreasonable would be no means to travel by either car or public transport that would require multiple changes or any working commute that would be excessive in time (over 1 hour each way).

## 2.15 Medical Assessments

- 2.15.1 Where an applicant requests priority based on a medical condition, this will only be taken into account where the medical condition is being made worse by the particular accommodation that the applicant resides in. NHA will, where necessary, seek the opinion of a medical expert in determining whether priority will be awarded. The final decision rests with the NHA Senior Officer.
- 2.15.2 Where the applicant or a member of their household are affected by an urgent and severe medical condition and remaining in their current accommodation would have a severely detrimental effect on their health or they cannot be discharged from hospital as their home is totally unsuitable, they will be placed in Band 1.
- 2.15.3 Where the applicant or a member of their household are seriously affected by their health and/or mobility and where living in their current accommodation is having a serious adverse affect on the health of the person concerned, they will be placed in Band 4. This will apply to customers who have limited mobility and are unable to move around their home, or to access the facilities in their home (e.g. for bathing, toileting) without great difficulty. Their health problem is likely to be a significant or chronic condition.
- 2.15.4 Where the applicant's (or a member of their household) current accommodation is having an adverse affect on the health or welfare of the person concerned and/or is causing serious hardship, they will be placed in Band 5. This will apply to customers, who are more mobile and can move in, out and around their home, but their health is unlikely to improve and they will need alternative accommodation in the longer term. This may also apply to applicants who are needing to move to a particular locality and failure to do so would cause hardship to themselves or others.

## 2.16 Moving on from supported housing accommodation

- 2.16.1 Residents of Council (County and City) funded short term supported accommodation in the Staffordshire and Stoke-on-Trent areas, and other agencies if appropriate, will receive additional preference when they register with Homesdirect, when the following conditions are met:

- they have a local connection to Newcastle-under-Lyme;
- they are in supported housing having had an appropriate assessment of housing need;
- they have engaged with the supported housing project to acquire the skills required to live independently;
- the supported housing project provides evidence by way of a move-on referral highlighting the applicant's readiness for move on;

2.16.2 A Move-on Protocol has been created and is designed to help people effectively 'move on' into permanent accommodation from supported accommodation and operates alongside this Policy. Through the Move-on Protocol, applicants in supported accommodation may also be given higher priority when they are ready to live independently.

It also provides a framework for the sharing of personal information between agencies to enable them to meet statutory obligations, the needs and expectations of service users and the requirements of stakeholders involved with people moving-on from supported housing.

The Move-on Protocol establishes a formal commitment to adopt, promote and positively engage in the Move-On process for the benefit of all service users.

2.16.3 Working alongside the terms of the Move-on Protocol, the following priorities are available to applicants under the Housing Allocations Policy;

- Applicants wishing to move from supported housing accommodation without a move on date will be placed into Band 7.
- Applicants where move on accommodation is required from supported housing and this is backed by a clear plan from the support provider and there is an agreed protocol in place will be placed into Band 4.
- Where and applicant is moving on from domestic violence supported accommodation and it can be evidenced that it would be unsafe to return to the district of their previous origin, discretion may be used by the Senior Officer, on a case by case basis, to override the requirement for a local connection in line with the special circumstances highlighted in Section 2.8.3 above.

## **SECTION 3: ADMINISTERING THE HOUSING REGISTER**

### **3.1 Reviewing and updating applications**

- 3.1.1 Housing Register applications will be reviewed every 12 months and applicants will be contacted to attempt to ensure that information recorded on the Housing Register is relevant and up to date. Applicants will be asked to reregister their application on Homesdirect those who do not respond to the request, will be cancelled.

### **3.2 Removal of applications from the Housing Register**

- 3.2.1 Applications may be restricted on bidding on Newcastle under Lyme properties in certain circumstances such as:
- Where the applicant or a member of the household is found to have a history of serious unacceptable behaviour.
  - Failure to update their application following a review. (see Section 3.1 above).
- 3.2.2 Applicants can still register on Homesdirect however if the application is excluded from the register where the applicant or a member of the household is found to have a history of serious unacceptable behavior then the application will be restricted so no bids can be made on any Newcastle properties. Any subsequent exclusion from the Register will be notified to the applicant in writing. The applicant will have a right to request a review of the decision in this respect. The review will be undertaken by the Senior Housing Advisor or nominated person who was not involved in the original decision making process, as per the Allocations Appeals Protocol.
- 3.2.3 In exceptional circumstances, where an application has been closed and the applicant has appealed the decision, an application may be reinstated with the original registration date, if it is considered reasonable to do so by the Senior Housing Advisor. Where the application has been cancelled, the applicant will be required to complete a new application, however the original registration date will be reinstated.

### **3.3 Confidentiality**

- 3.3.1 Details relating to each applicant, including the fact of their registration will be kept confidential. Information about an applicant and/or members of their household, or the progress of their application, may not be passed to anyone who is not part of the applicant's household, without their permission. This permission should preferably be in writing. The Data Protection Act (1998) and Section 166 of the Housing Act (1996) (and superseding legislation) will be observed NHA contract on behalf of the Council, the Council and organisations acting as agents on behalf of the Council, have the right to access personal data, in accordance with the above.
- 3.3.2 Applicants will be asked to agree to information sharing with relevant agencies, for example, Registered Providers, the Council's Housing Benefits department, the County Council's Children's Services, Probation and a range of voluntary and statutory agencies where this is necessary.
- 3.3.3 Issues relating to child protection or community safety must, however, always take precedence over confidentiality. Similarly if there is evidence to suggest that the applicant is involved in criminal activity and /or fraudulently



claiming of welfare benefits, this information will normally be disclosed to the relevant agency.

- 3.3.4 Applicants are entitled to see their files if they wish to do so in accordance with Midland Heart's data protection policy. Any request for information must be made in writing in the first instance. If the file contains information from third parties, for example letters from doctors, other agencies or individuals, each third party must be contacted for their consent before these documents are made available to the applicant.

### **3.4 Verification of details**

- 3.4.1 Before any offer of accommodation is made, the applicant shortlisted for the vacancy will be contacted and may be asked to provide further information to support their application, including any necessary proofs for verification of all relevant information on their housing application. Information obtained will be used to assess eligibility and is not exhaustive. Applicants will be expected to provide this information within 2 working days and must do so before a formal offer can be made. Failure to provide information may result in the offer being bypassed or applications suspended until the requested information is received by NHA.
- 3.4.2 Procedures will be developed to ensure that robust checks are in place to ensure applications contain correct information.
- 3.4.3 If the tenant (or former tenant) of the Registered Provider is found to be in rent arrears or to owe former tenant arrears, repair costs or costs following assistance through the homelessness prevention schemes, then the tenant or applicant will not normally be offered rehousing but will be placed in a lower priority band or considered for exclusion from the Newcastle vacancy list, unless a suitable arrangement is made to clear the debt.

### **3.5 False information**

- 3.5.1 Under Section 171 of the Housing Act (1996), it is a criminal offence for applicants to knowingly give false information or to withhold information relevant to their application. The Courts may impose a fine if the applicant is found guilty.
- 3.5.2 An offence may be committed if an applicant knowingly gives false information or knowingly withholds information which has been requested on the housing application form, in response to correspondence with NHA, or relating to the application review. An offence is also committed if the applicant allows a third party to provide false information on their behalf, or at their instigation.
- 3.5.3 NHA reserves the right to remove an applicant from the Housing Register if there is evidence that the applicant or a person acting on his behalf, has given false information or withheld information. If evidence is obtained that an applicant has gained a tenancy through providing false information, NHA will notify the landlord and supply appropriate evidence, which may be used in possession proceedings at Court.3.6

## **3.6 Deferral of applications**

- 3.6.1 Applications may be suspended or offers of accommodation withheld or bypassed in certain circumstances, pending a decision on eligibility or assessment of need. Such circumstances may include:
- Providing false information in relation to the application
  - Withholding of information that is reasonably required in order to process the application, such as a landlord's reference or care assessment.
  - Failure to provide necessary proofs in the required timescales see 3.4.1.
  - Failure to contact to verify application within the required timescales

When any offer is refused by the customer or if the nomination is rejected by the RP, the RP should notify NHA and provide detailed information on the reason of rejection as agreed within the nomination agreement. NHA will consider any further information and reassess the application according to the policy. Applications may be placed into reduced banding (Band 6); excluded or suspended from the list. If the refusal reason is deemed to be unreasonable then NHA may suspend applications for 6 months. Customers can appeal the suspension and will be given details on how to do this in their notification letter. Customers will be held in suspension whilst enquiries are carried out

## **3.7 Serious offenders**

- 3.7.1 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 risk to themselves and / or others, who have not been convicted of an offence.
- 3.7.2 NHA 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. NHA will invite Registered Providers to 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.

## **3.8 Information about new vacancies**

- 3.8.1 Weekly information will be published, via Homesdirect on forthcoming vacancies to which the Council has nomination rights, and some properties owned by RPs and private landlords.
- 3.8.2 Health, Social Care Services and Voluntary Sector professionals will also be able to access the above information. NHA will work with these partners to ensure that their client group has full access to the system and that they can contact NHA on behalf of their clients to apply for vacancies.
- 3.8.3 Customers can use the information to bid for properties. A bidding deadline date will be published along with the vacancies. Homesdirect will then put all bids in an order based on the customer's housing need, (band) and registration date. This list will then be used to determine who will be made the offer of accommodation. NHA verify applicants on the shortlist and inform the provider. .

### **3.9 Properties not included in the scheme**

- 3.9.1 Some properties may not be included within Homesdirect. These properties are known as a “direct let” and will be offered to customers in very urgent need, due to exceptional circumstances and where NHA has an obligation to find a property for them quickly.

### **3.10 Rights of Review**

- 3.10.1 Applicants who want to request a review of a decision that has been made about their housing application or allocation decision should ask for this to be done by writing to the Senior Housing Advisor as per the Allocations Appeals Policy
- 3.10.2 Applicants can make a complaint or express dissatisfaction with the service to any member of staff who will ensure that this is recorded and investigated and that they are advised of the action taken. The Borough Council also operates a formal Complaints Procedure. Applicants who want to make a complaint or comment about Council services including NHA can use this procedure. .

### **3.11 Review**

- 3.11.1 This Policy will be reviewed bi-annually by the Council. This will enable the review of operational data to;
- determine the success of the Policy to date
  - identify any areas for improvement
  - identify any blockages for service users
  - consider changes in legislation and/or case law
  - consider recommendations from government policy and guidance regarding the allocation of social housing