



**Allocations Policy with revisions  
(2015/16 policy review)**

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## Summary of the Scheme

Cumbria Choice is a sub regional scheme for letting most of the social rented property in Cumbria. It is a partnership between the 6 Local Districts and 8 social housing providers.

It is managed through a web based computer system however this does not exclude people who do not have access to a computer and every effort has been made to make this policy and the process fully accessible.

To be part of the scheme customers need to apply to the Common Housing Register. There is only one application form and customers will be placed on the register if they meet the eligibility criteria.

Priority for housing is awarded through a 'Banding' system that places people in one of five Bands according to their housing needs.

The majority of properties are advertised and customers are able to exercise choice by registering an interest in the property.

Customers are only able to express an interest in properties that meet their requirements. For example adapted property and some ground floor accommodation will be for customers with particular medical or disability needs and/or for older persons.

At the end of the advertising period a shortlist is compiled, taking into account: the Band of the customer, the 'effective' date of the application and any local connection.

Usual practice is that customers at the top of the shortlist are offered the property.

In certain situations exceptions to the policy will apply and examples of these are detailed in the policy. These exceptions, which include 'management discretion' or 'local lettings policies' allow the individual partners to respond appropriately to certain individual housing need and to effectively manage their housing stock. All exceptions to the general policy will be recorded and monitored to ensure that they are applied fairly.

## **Section 1 Introduction and Background**

### **1.1 Members of the Cumbria Choice Based Letting Partnership**

The following are members of the Cumbria Choice Based Letting Partnership, called 'The Cumbria Partnership':

Allerdale Borough Council  
Barrow Borough Council  
Carlisle City Council  
Copeland Borough Council  
Eden District Council  
South Lakeland District Council

The six Councils have adopted this common Allocation Policy so that customers within the districts covered by the six Councils are assessed on the same basis and have the same access to apply for any social housing vacancies across that whole district.

The scheme applies not only to properties in the Councils' own housing stock (i.e. those owned by any of the Councils if applicable) but also to all those properties to which any of the Councils have rights of nomination (whether by way of a legally enforceable arrangement or not) of the tenant. Properties to which the Councils have rights of nomination of the tenant include properties owned by the following Social Housing Providers:

Accent Housing  
Eden Housing  
Home Group  
Impact Housing  
Riverside Housing  
South Lakes Housing  
Two Castles Housing  
Your Derwent & Solway

The participating Social Housing Providers listed above are obliged to advertise vacant properties in accordance with this policy. In addition all of the Social Housing Providers listed above have adopted the Council's allocation policy so that there is a common allocation policy ensuring that applicants within the Sub Region who apply to the Council or a participating Social Housing Provider are assessed on the same basis and have access to apply for any vacancies either within their district and to a percentage across the Sub Region.

The scheme formally applies to all properties to which Allerdale Borough Council, Barrow Borough Council, Carlisle City Council, Copeland Borough Council, Eden District Council and South Lakeland District Council have rights of nomination (whether by way of a legally enforceable arrangement or not) of the tenant. Properties to which the Council have rights of nomination of the tenant include properties owned by Accent Housing, Your Derwent & Solway,

Eden Housing, Home Group including Copeland Homes, Impact Housing, Riverside and Two Castles Housing.

To improve the service to customers and to avoid duplication a customer can apply to any of the participating housing organisations listed above unless they are a former tenant/applicant in which case they will need to apply to their previous landlord.

Any significant changes to this policy will need to be approved at a senior level for each participating Local Authority. The relevant decision-making bodies of the Social Housing Providers, namely the Board, will also need to consider and endorse any changes that the Local Authorities wish to make to the policy. Any changes will also be subject to consultation with relevant statutory and voluntary sector organisations and tenant representatives.

❖ Contact details for all partners are listed in Appendix 2.

In developing this policy the partnership has referred to the following guidance and housing legislation:

Housing Act 1996, Part 6 (Wales), Part 6 as amended by Localism Act 2011 (England):

S.11 Children Act 2004.

Codes of Guidance England:

- A *Allocation of Accommodation: Guidance for Local housing Authorities in England* (2012, DCLG) “the Code”;
- B *Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England* (DCLG, December 2013) “Supplementary Code”.

Plus the following statutory regulations:

- A Allocation of Housing (Procedure) Regulations 1997, SI 1997/483;
- B Allocation of Housing (England) Regulations 2002, SI 2002/3264;
- C Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294;
- D Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869;
- E Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
- F The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015

G In framing our allocations scheme we have also had regard to the participating Councils' Homelessness Strategies and the Tenancy Strategies.

## Equality Legislation and Guidance

The partnership will ensure that its policy is applied in accordance with the current equality legislation (Equality Act 2010) and with the relevant statutory codes and guidance.

The operation of the policy has been subject to an Equality Audit and Impact Assessment and this will be regularly reviewed.

### **1.2 Policy Statement**

Cumbria Choice is the main route into social housing for the majority of people seeking such housing in Cumbria. This policy will aim to treat those applying to the scheme fairly and flexibly; will be inclusive of all groups and the procedure will be transparent.

Cumbria Choice will provide greater choice for applicants but the demand for housing will continue to be greater than the supply. However through good quality communication with customers the scheme will enable people to be clear about their prospects of being offered accommodation.

For people unlikely to be offered accommodation through the scheme there will be advice about alternative housing options. There will be information on the website, in written material and other formats on options such as; mutual exchanges, the private rented sector, low cost home ownership and shared ownership properties.

The partnership intends the allocation policy to have a positive effect on local communities by increasing tenant satisfaction with their housing, and by contributing to the development of stable communities. The partnership aims to provide a high quality service to its customers and intends to work together to continue to develop the scheme to find joint solutions to housing problems, including those of homelessness.

The partnership acknowledges that some customers applying to the scheme will not be eligible to register under the qualification rules due to previous unacceptable behaviour, such as anti-social behaviour. The policy aims to be open and transparent as to the reasons for exclusions and gives advice on the possible actions a customer can take to subsequently gain acceptance onto the register in the future.

Partners are committed to developing a common lettings approach that is easily understood by customers. However, the partnership recognises the need for different approaches to apply in different areas which meet the particular needs of these areas and the needs and objectives of different organisations. Local lettings policies and approaches are therefore accommodated within the policy. Where a specific policy or process applies it

will be covered by a written document and made available by the organisation operating the policy/process.

Additionally, each individual provider will have its own approach to tackling welfare reform. For example, different approaches will be taken for dealing with under-occupation. These approaches will be published in parallel with, but separate from, this allocation policy.

### **1.3 Aims of the Scheme**

The main purpose of the policy is to meet the requirement under the Housing Act 1996, section 166A (1) England for every local housing authority in England to have an allocation for determining priorities, and the procedure to be followed, in allocating housing accommodation. For this purpose 'procedure' includes all aspects of the allocation process, including the persons or descriptions of persons by whom decisions are taken.

In developing this policy the Partnership has agreed the following aims:

To reduce the use of temporary accommodation for homeless applicants and to assist with prevention by making customers aware of their potential housing choices and the alternative options available to them e.g. private sector, low cost home ownership.

To increase the availability of move-on accommodation to prevent 'blockages' in supported housing schemes.

To ensure a lettings service that embraces equality and diversity by being open and fully accessible to all individuals and to provide support to customers where needed.

To improve the means by which local people in Cumbria gain access to social rented housing by providing a modern and easy to understand allocation system which allows choice and is fair, transparent and accountable.

To encourage residents to access employment and to recognise residents who make a contribution to a local community.

To make the best use of the housing stock within the scheme.

To increase mobility by making available 10% of all properties to customers across Cumbria.

To increase opportunities for tenant mobility between Cumbria and other areas of the country. In accordance with the Right to Move statutory guidance on housing allocations for local housing authorities in England (issued by the Department for Communities and Local Government, March 2015) a target of at least 5% of allocations has been set for people moving to a different District for employment purposes, including 1% from outside Cumbria. The qualifying criteria for Right to Move are detailed in Appendix 6.

To attract new customers to areas of low demand and reduce void times on 'hard to let' properties.

#### **1.4 Statement on Choice**

The key underlying principle of the scheme is to give choice to customers who are looking to obtain housing in the social rented sector.

To ensure customers have choice the partnership will advertise the majority of its properties on a weekly basis through this scheme; property adverts will appear on its website and in newsletters available in the offices of all partner organisations and other appropriate sites to assist the public to access the scheme. Where possible the advertising of properties will be provided in a variety of formats in a diverse range of venues.

The Partnership will endeavour to ensure that property adverts are easy to read and will include information about the local area to allow customers to make the best informed choice about housing that is suitable for their needs.

It is the Cumbria Choice policy that wherever possible customers wanting social housing should be able to choose the property for which they wish to be considered. There will be some instances, in exceptional circumstances where the only way to resolve a person's housing situation is through the use of management discretion e.g. homeless households to whom there is a statutory duty to house; households at risk of violence. (See section 3.3: Management Discretion). In certain circumstances choice may be limited, however all management discretion decisions will be recorded and monitored for fairness and flexibility.

#### **1.5 The Partnership**

Cumbria Choice is overseen by the Sub Regional Project Board which is governed by a 'partnership agreement'. Its members consist of one senior officer representative from each organisation within the partnership and two tenant representatives. Each organisation has one vote within the partnership. Tenant representation has one vote within the partnership.

The Project Board will meet at least six times a year to oversee the running of the scheme and to monitor its compliance with local and national policy and guidance. The partnership will continue to monitor, fund, develop and make policy decisions about the scheme as appropriate.

#### **1.6 Equality and Diversity**

Cumbria Choice is committed to ensuring that its policy and procedures in the letting of property are applied impartially. This includes promoting equality of access to the service.

The Partnership is committed to assisting all customers to access the service, taking account of vulnerability, disability or other specific needs.

To identify the needs of our customers the application form will have specific questions relating to vulnerability, ethnic origin, sexual orientation, disabilities and other protected characteristics identified within the Equality Act 2010. This information will be used to monitor the impact of the policy and to ensure any amendments that may be required are implemented so that no group is disadvantaged or discriminated against by the application of the policy.

Cumbria Choice is committed to Equality and Diversity. Under the Equality Act 2010 and in particular to comply with the public sector equality duty contained within section 149, Local Authorities and housing providers are required to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, in their exercise of a public function.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Under the Equality Act 2010 age related retirement/sheltered housing is exempt from restrictions.

### **1.7 Accessibility**

The partnership recognises that a choice based letting scheme requires active participation by the customer which some may find difficult and demanding.

Local support groups and voluntary and statutory agencies have been involved in the development of this scheme to ensure that it is as accessible as possible to all groups within the community. The partnership will continue to work with these agencies to improve accessibility to the scheme.

Those needing support, advice or assistance will be identified through information given on the application form, staff, other professional and voluntary groups. The computer system can be used to monitor whether some customers are not 'bidding' or are making inappropriate 'bids' (expressions of interest) and it will indicate individuals or groups of people who may need increased support to access the scheme.

The Partnership will continue to try to ensure that the system is as accessible as possible to any applicant who wants to use it. Easy to read guides explaining how the scheme works will be sent to all customers when they request an application form and once they are registered. The Partnership will ensure that there is a process in place to make sure a person is helped to understand the scheme if there is a language or literacy barrier or a disability need such as a sight restriction or disability.

The Partnership will continue to widely publicise the scheme and will ensure that newsletters advertising the properties are widely distributed.

The Partnership has ensured that its own staff are fully trained and able to offer advice and assistance to individual customers through; front line staff, floating support workers, hostel staff and sheltered housing wardens.

Through ongoing liaison with a range of statutory and voluntary agencies, the partnership aims to ensure that high quality support is available to customers.

The ICT system will be used to monitor customer bidding patterns and will be used to identify those who are having difficulty using the system. In addition the outcomes for customers identified as having specific needs will be monitored to ensure they are as successful in gaining housing as other customers.

In exceptional circumstances 'automatic bidding' (see Appendix 1 definition of terms) will be available – this is not a preferred option as it reduces customer choice.

An Accessibility Policy (Appendix 5) accompanies the Cumbria Choice Scheme.

## **1.8 Monitoring**

The partnership will continue to monitor the policy to ensure that its aims are being met.

Monitoring will be used to ensure that:

- Those in the 'reasonable preference' categories are given priority for housing (see sections 3 and 4)
- Lettings are broadly proportionate to the profile of local communities
- Lettings within 'the Bands' accords with the stated aims of the policy (see section 3)
- Customers with particular needs are successfully accessing housing
- There is overall customer satisfaction with the scheme

## **1.9 Information sharing, confidentiality and data protection**

Information received by a partner organisation in relation to a customer's registration form will be treated in confidence in accordance with the Data Protection Act 1998.

Confidential information held about customers will not be disclosed to third parties apart from:

- Where the individual has consented to the disclosure
- Where a partner organisation is required by law to make such a disclosure.
- Where disclosure is made in accordance with a recognised Information Sharing Protocol or for reasons of public protection.

Partner organisations will continue to develop Information Sharing Protocols within their own areas and where possible across Cumbria to enable consistency and good working practices between the partnership and other voluntary and statutory agencies.

Unless an exemption applies, Local Authorities have a duty to make information available under the freedom of Information Act 2000 with which they will comply. This duty does not apply to registered social housing providers.

## **Section 2      The Common Housing Register**

The Partnership has agreed to operate one common housing register within the scheme. This is a single register for both new customers applying for property and existing tenants wanting a transfer. The single register enables customers applying to the scheme to access housing owned by each member of the Partnership by completing just one application form.

When shortlisting for properties priority will usually be given to customers with a local connection to the Local Authority area. However, there is a commitment to make 10% of vacancies available across the Sub Region without the requirement for a local connection to the Local Authority area in which the property is advertised (see section 5.9 for definition of local connection).

### **2.1 Who can Apply**

1. Anyone over 16 years can apply (for 16/17 year olds please see 6 below) – UNLESS:
  - They are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control or a person from abroad who is prescribed as ineligible and shall not be allocated housing accommodation: s.160ZA(1), (2) and 4): the relevant Regulations that the Council applies are Regs 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294.
  - They or a member of their household is guilty of unacceptable behaviour serious enough to make them an unsuitable tenant.
  - Where a person's eligibility for housing is unclear investigations will be undertaken to establish the person's entitlement for housing.
2. Open Register: Cumbria Choice operates an open register and will accept all people regardless of their housing need or whether they are from outside Cumbria, subject to them meeting the eligibility criteria.
3. Joint Applicants: joint applications will be accepted and will be treated as one application. An applicant can only have one active application as a main applicant on the register. The housing need of the full household will be considered in assessing housing need. This Allocations Policy supports adult customers wishing to sign as joint tenants should they choose to do so.

In relation to social housing providers the individual housing provider will decide whether to allow a joint tenancy depending on the circumstances of the case.

4. Employees or their relatives: those working for, or elected to the Governing Body of a partner organisation, or those related to such a person will be eligible to apply. Any offer of accommodation will be

subject to the approval of the Governing Body of the organisation offering the property.

5. Owner Occupiers (and those with the financial means to purchase property): Owner occupiers will be allowed to register and the banding they get will depend on an assessment of their financial means and ability to purchase suitable accommodation. The decision will be made on a case by case basis and will be monitored for fairness.
6. 16/17 year olds: young people aged 16/17 years will be able to apply for accommodation by completing a registration form. However a Social Landlord will not normally grant a tenancy to anyone under the age of 18 years without evidence of an appropriate support package being in place. Applications from young people under the age of 18 will be dealt with on a case by case basis and will be monitored for fairness.

The following are examples of when a person under 18 years will be considered for accommodation:

- They are accepted as requiring move-on accommodation following a successful period in a recognised supported housing scheme and have a move-on support package.
- They are a homeless young person to whom a duty is owed under Part 7, Housing Act 1996 and a full housing and child in need assessment has been made by Children's Services.
- They are referred by Children's Services following a housing and child in need assessment with a recommendation for housing having been made. This includes children leaving care.

#### 7. Tenants of social housing organisations

- Secure and assured tenants may apply to the Register at any time and will have their priority assessed in the same way as other customers.
  - Tenants with probationary or starter tenancies will be given reduced preference until the completion of the 12 months probationary period and a secure or assured tenancy has been granted. However this may not be applied if there is an urgent need for re-housing.
  - Tenants transferring within the Scheme will need to have a clear rent account and a satisfactory property report. However this may not necessarily be required if there is an urgent need for re-housing.
8. Prisoners: prisoners can register in the 6 month period prior to their date of release. They are able to express an interest in a property in the 2 week period prior to release but must be able to accept the tenancy on the date required by the housing provider.

Partner organisations will refer to the Cumbria Joint Protocol for Housing Offenders for guidance.

#### 9. Serious unacceptable behaviour

- Cumbria Choice expects customers registering for housing to be able to meet the standards of behaviour required of them by the tenancy agreements of partner organisations. Where customers current behaviour indicates that they would be unsuitable to be a tenant they will be considered to be a non-qualifying person(s).
  - Housing authorities may only allocate accommodation to people who are defined as 'qualifying persons' (s.160ZA(6)(a)) and under section 160ZA(7) the local authority is granted the power to decide the classes of people who are, or are not, qualifying persons. An applicant will be regarded as a non-qualifying person where they meet the criteria set for unacceptable behavior as defined below. Unacceptable behaviour includes but is not limited to:
    - Anti-social behaviour
    - Racial harassment and other hate related crimes
    - Criminal Behaviour
    - Violence
    - Domestic violence and abuse
    - Violence or threats of violence to staff or the agents of partner organisations in the Cumbria Choice scheme
    - Serious rent arrears
  - The decision on whether a customer is deemed to be a non-qualifying person will be made on a case by case basis.
  - Where a customer is deemed to be a non-qualifying person for unacceptable behaviour they will be given the reasons for that decision and will have the right to request a review of that decision (Section 6).
  - An applicant deemed to be non-qualifying for unacceptable behaviour will remain so usually for a period of 12 months following the date of the decision and customers will need to reapply for housing after this time. The only exception to this is where a previous arrear has been fully cleared. Applicants can re-apply as soon as debts are repaid.
- ❖ The full policy for eligibility and non-qualification is set out in Appendix 3.

#### 10. Households with access to children/joint custody

- Children will only be considered at their main place of residence.
- Customers wishing to include children in their application must be able to provide formal evidence that each child will live with the customer, for example through child benefit entitlement, residency order or custody agreement.

## 2.2 How to Apply

To join the Cumbria Choice Register customers will ordinarily need to complete an online application.

Customers will be required to sign a declaration to:

- Confirm that the information given is correct and that they will notify Cumbria Choice of any change in their circumstances.
- Give consent to allow enquiries to be made concerning their eligibility for housing and level of priority.
- Give consent to allow information to be provided to another partner organisation in the scheme.

Assistance is available for any customer who has difficulty in completing and understanding the application from any of the partner organisations.

Incomplete applications will not be made active until such time as the partner managing the application is satisfied that it has in its possession all of the information it requires to complete its assessment. It is the responsibility of the applicant to answer all of the questions set for the assessment process and to provide any supporting information or documents as requested.

All incomplete applications will be cancelled after a period of 28 days of inactivity from the applicant where information has been requested and not provided. This cancellation does not prevent the applicant making a subsequent application at a later date. Although, the effective date of registration will not be backdated to an early application.

### **2.3 References**

Existing or previous tenants will be asked to provide a reference from their current or previous landlord. This information will be used to decide whether the customer is eligible to be accepted onto the Register and if so whether or not they should be given reduced preference.

Where a customer has not held a tenancy a character reference will be requested from a professional person who has known the customer for at least 2 years or sufficient time to make a judgement. This applies to both customers where there is a joint application.

Where a customer cannot provide a reference then the following options may be taken to establish whether a customer is eligible to be accepted onto the register and whether or not they should be given reduced preference:

- The customer will be asked to attend an interview with the Officer responsible for assessing the application to seek information on their previous housing history and likely ability to sustain a tenancy.
- Information may be sought from Disclosure Scotland if the partner managing the application have any concerns that the applicant may meet the unacceptable behaviour non qualification criteria.

### **2.4 Police checks/information**

In the interests of community safety, all applicants and members of their prospective household will be required to disclose any pending court cases or unspent criminal convictions. Where the information is disclosed the partner managing the application may seek further information to ascertain whether they are likely to be regarded as ineligible due to unacceptable behaviour

and/or pose a serious risk to a community where they might be rehoused. Where a customer indicates on their form that they have an unspent criminal conviction a Disclosure and Barring Service (DBS) check will be sought about the offence(s). This will be done to establish whether the person has been involved in a serious crime(s) that may meet the unacceptable behaviour criteria.

Information gained will not automatically exclude an applicant from the register. It will also be used to make informed decisions about any offer of a property.

## **2.5 Notification of Registration**

When an application is accepted onto the register the customer will be informed in writing and provided with the following information:

- Their registration date
- Their registration reference number
- The Band they have been placed in
- A Priority Band date if that is different from their date of registration (see section 3.2; the 'effective' date)
- An explanation of the login reference number and memorable date for use when logging into their online account

If an applicant's circumstances change and they are assessed as qualifying for a higher Band the 'effective date' for the higher Band will be the date it is determined that the applicant's circumstances have changed. Where an applicant's circumstances change and they are assessed as requiring a lower Band they will keep their date of registration for that previous Band.

When customers receive their letter of registration they will also receive a guide to the Cumbria Choice Scheme. This will inform them about how the scheme works and will include such information as: how applications are Banded; where to look for advertised properties; how to register an interest in a property 'bid'; what checks are made before an offer is confirmed.

## **2.6 Changes in Circumstances**

It is the responsibility of the customer to notify Cumbria Choice of any changes in their circumstances that could affect their application for housing. The application will be re-assessed and if appropriate placed in a different Band.

## **2.7 Reviewing the Register**

Each customer on the Common Housing Register will have their application reviewed annually. This may be based on an annual review date or a rolling review 12 months from the applicant's date of registration. A letter will be sent to all customers, and in some cases a supporting agency or professional, requesting confirmation of their current circumstances and that they wish to remain on the register. If a reply is not received within 28 days of the date sent the application will be cancelled.

Customers registered in Bands A and B will be reviewed more regularly to ensure they are bidding for suitable properties. Monitoring of number(s) of 'bids' made (or lack of) will be used to identify where assistance to customers may be needed.

## **2.8 Cancelling Applications**

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

- i. At the customer's request.
- ii. If the customer becomes ineligible for housing on grounds of their behaviour.
- iii. When the customer has been housed.
- iv. When a social housing tenant completes a mutual exchange.
- v. On failure to reply to a review letter or requests for further information within a given time period.
- vi. Where it is discovered that the customer has given false or misleading information
- vii. Where a customer is known to have committed a crime or if a customer is awaiting trial, an application may be suspended pending the outcome, and on a case by case basis

In circumstances (ii) and (vi) the customer will be notified in writing and informed of the reason why their registration has been cancelled and of their right to request a review of that decision.

In circumstance (v) the customer will be notified in writing that their registration has been cancelled. The application will be re-instated if the applicant contacts Cumbria Choice within 28 days of being notified of the cancellation.

The Cumbria Choice partnership reserves the right to cancel applications when no bids have been made for a 12 month period.

## **2.9 Giving False Information**

Under section 171 of the 1996 Housing Act it is a criminal offence for anyone applying for housing from a housing authority to knowingly give false information or to withhold information which is relevant to their application. An offence is also committed if a person allows a third party to provide false information on their behalf.

Customers who are found to have withheld or given false information may be removed from the register for 12 months. This will be decided upon based on the seriousness of the false information given and an assessment of why the information was withheld. The decision will be made by a senior officer within the partner organisation administering the application.

Where an offer of a tenancy has been made but the tenancy has not yet commenced the offer will be withdrawn with immediate effect.

The customer will be informed in writing of the decision and advised of their right to request a review.

Where a tenancy has commenced action may be taken with regard to that tenancy which may include action seeking possession of the property.

## **2.10 Deliberate Worsening of Circumstances**

Where there is evidence that a customer has deliberately made their housing situation worse in order to gain a higher priority on the register, they will be assessed based on the circumstances before their situation changed, unless that change is due to fleeing violence or for disability needs.

Examples of this are:

- Customers who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- Customers who have moved from previously suitable or more suitable accommodation which it was reasonable for them to continue to occupy, into a less suitable property.
- Homeowners who have transferred their property to another family member within the last 5 years from the date they make their application to the Register.
- Giving up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household.
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.

## Section 3     Assessing Housing Need

### 3.1     Priority for Housing

Local Authorities are required by Section 166A(3) Housing Act 1996 to determine the relative priority that housing customers are awarded. The law, as it applies to Local Authorities, requires that reasonable preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). In addition the Cumbria Choice scheme gives additional preference to those customers where the Council is satisfied that they have other exceptional or urgent housing needs.

Cumbria Choice operates a needs based banding system which is set out below. The Bands are arranged to reflect housing need with the highest Band, Band A, indicating the greatest need for housing.

Below is a summary table of the bands and when an applicant will be awarded a band for their housing needs or circumstances. It is only a summary table and the full definition for the criteria used to award a band is set out in section 4 of the Policy.

Band A: Urgent Need for Housing due to Reasonable preference plus additional priority.	Explanation of criteria to be used in the Assessment
Homeless Households owed a full homeless duty.  Reasonable preference category 166A(3) (b)	Households who have made a statutory homeless application to the Local Authority under Part 7 of the Housing Act 1996 and have been determined by the Council as owed the main homelessness duty under sections 193(2) or 195(2) of the Act.  Note: Local Band A will be awarded unless the household also meets the criteria for Exceptional need to move (see below)
Exceptional need to move due to a Medical condition or reasons of Disability  Reasonable preference category 166A(3) (d)	<ul style="list-style-type: none"> <li>• An immediate life threatening or life limiting condition which is seriously affected by the current housing circumstances where rehousing would enable a person to retain independence or receive adequate care.</li> <li>• A member of the household cannot be discharged from hospital until a suitable adapted property is provided.</li> <li>• A new and life changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities or are unable to access essential facilities inside and outside of their accommodation and the property cannot be suitably adapted.</li> </ul>

	<ul style="list-style-type: none"> <li>• A member of the household is elderly or disabled or has a progressive or fluctuating illness or requires palliative care and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.</li> <li>• Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she or a member of their household, has sustained as a result of service.</li> <li>• People who have severe mental ill health or learning disability which significantly affects their ability to lead a normal life and is life-threatening or puts them at risk of admission to hospital or residential care.</li> </ul>
<p>Exceptional need to move.</p> <p>Reasonable preference category 166A(3) (d)</p>	<ul style="list-style-type: none"> <li>• Customers who need to move due to domestic abuse, extreme violence or extreme harassment. This would include hate crime, racial, homophobic or transgender/gender reassignment harassment. This will only be agreed in exceptional circumstances where there is a high risk to the tenant or their family's safety if they remain in the property/area and the location sought would substantially reduce or eliminate the risk. Clients in this group should be awarded global Band A without a local connection restriction (other than when this is required by s106 agreement/ Local Lettings Policy)</li> <li>• A bereaved spouse (including same sex) or civil partner of those serving in the regular forces no longer entitled to reside in Ministry of Defence accommodation.</li> </ul>
<p>Excessive Overcrowding</p> <p>Reasonable preference category 166A(3) (c)</p>	<p>Households living in overcrowded conditions which are deemed to have a category 1 hazard for that overcrowding specifically under the Housing Health and Safety Rating System (HSSRS) as defined under Part 1 of the Housing Act 2004 will be deemed as Band A. The assessment must be made by the Local Authority for new applicants to the CBL system. Existing tenants of Cumbria Choice partners can be assessed and given Band A priority by their own Landlord (regardless of who is administering their housing application). The landlord will use the definition of overcrowding criteria guidance provided by the Housing Act 1985 and the guidance laid out under the Housing</p>

	<p>Act 2004 for crowding and space, with particular reference to larger households to make their determination.</p> <p>If a property is deemed to be statutorily overcrowded, it remains the landlords and homeowners responsibility to ensure they comply with the legislation and reduce the occupancy of the property accordingly.</p> <p>Please note some authorities do make a charge for overcrowding assessments as a non-statutory function.</p>
<p>Property Condition</p> <p>Reasonable preference category 166A(3) (c)</p>	<p>Households living in conditions which give rise to an imminent risk of harm and where the Local Authority has the power to serve a Prohibition Order under Part 1 of the 2004 Housing Act.</p>
<p><b>Band B: High Need for Housing due to Reasonable Preference</b></p>	<p><b>Explanation of criteria to be used in the Assessment</b></p>
<p>Cumulative Preference</p> <p>Combinations of reasonable preference categories 166A(3) (c), (d) &amp; (e)</p>	<p>People who are assessed as having more than one reasonable preference housing need from reasonable preference category (c), (d) &amp; (e).</p> <p>Customers who have two or more of the following needs as listed in Band C:</p> <ul style="list-style-type: none"> <li>• Households needing to move to a particular locality on hardship grounds</li> <li>• Households overcrowded/under occupying</li> <li>• Disrepair - households where a Category 1 hazard has been identified by the Local Authority (NB see full definition of disrepair under "Property condition in Band C")</li> <li>• Medical or mobility need</li> <li>• Existing social housing tenants who suffer financial hardship as a result of housing benefit changes under Welfare Reform.</li> </ul>
<p>Welfare Grounds</p> <p>Reasonable preference category 166A(3) (d)</p>	<ul style="list-style-type: none"> <li>• People who are living in a supported housing placement within the partnership area (usually for at least 6 months) and who have been assessed as being ready for independent living. In all cases the relevant supported housing provider will be required to complete the Cumbria Choice Move On from Supported Accommodation Form (Appendix 7)</li> </ul> <p>NB. Move on applications will not be administered</p>

	<p>by the organisation responsible for the supported housing project.</p> <p>Move On from Supported Accommodation Forms may be refused if the applicant is not considered suitable for move on accommodation.</p> <ul style="list-style-type: none"> <li>• Young people who are referred by Cumbria Children's services following an s17 assessment under the Children Act 1989 with a recommendation for housing. This includes children leaving care. All referrals by Children's Services will be made following the provision of Cumbria's Joint Protocol for young people 2015.</li> </ul> <p>NB. It is a requirement that an ongoing support package will have been prepared, which will be provided by Children's Services or another appropriate support agency and will be available to the housing provider for people rehoused on these grounds.</p>
<p>Homeless prevention status – customers who have not been housed within 3 months of being awarded Band C priority</p> <p>Reasonable preference category 166A(3) (a) (c)</p>	<p>A customer has children or is pregnant (proof of pregnancy provided by a medical professional and/or a MAT B1), or is a single person who in the Local Authority's opinion may be in priority need and the Local Authority considers they are at risk of being physically homeless. The customer must have opted to take a homeless prevention option and as a result have been granted Homeless Prevention Status.</p> <p>This priority will be awarded by the Local Authority after the 3 month period that the customer has been in Band C.</p> <p>This priority will be awarded by the Local Authority for a period of 3 months.</p>
<p>Under occupation</p> <p>Reasonable preference category 166A(3) (c)</p>	<p>Social housing tenants of a partner organisation that are under occupying a property by 2 or more bedrooms who bid on properties with at least 2 fewer bedrooms than they currently have.</p> <p>An assessment will be made on the basis of the current family composition and will also take into account the family composition at the start of the tenancy.</p>
<p><b>Band C: Medium Need for Housing due to Reasonable</b></p>	<p><b>Explanation of criteria to be used in the Assessment</b></p>

Preference	
<p>Non Priority Homeless</p> <p>Those who are entitled to reasonable preference as being non-priority homeless, intentional homeless or homeless within Part 7 of the Act.</p> <p>Reasonable preference category 166A(3) (a)</p> <p>Homeless in priority need and intentional pending S202 Review</p>	<p>These customers will be assessed by the Local Authority. They will include:</p> <ul style="list-style-type: none"> <li>• Rough sleepers</li> <li>• Those moving between friends and relatives</li> <li>• Those who have accommodation but the local authority do not consider it reasonable to occupy</li> <li>• Those who have accommodation, but cannot secure access to it or there is no lawful place they can live in it e.g. caravan. Those who have made a homeless application and determined to be homeless but not in priority need or are intentionally homeless or have no local connection.</li> </ul> <p>(NB Band E may apply to intentionally homeless applicants where there is a clear reduced preference as defined in the policy i.e. arrears/anti-social behaviour).</p>
<p>Homeless prevention option being chosen</p> <p>Priority will be awarded for a 3 month period</p> <p>Reasonable preference category 166A(3) (a) (c)</p>	<p>A customer has children or is pregnant (proof of pregnancy provided by a medical professional and/or a MAT B1), or is a single person who in the Local Authority's opinion may be in priority need and the Local Authority considers they are at risk of being physically homeless. The customer must have opted to take a homeless prevention option and as a result have been granted Homeless Prevention Status.</p> <p>This priority will be awarded by the Local Authority for a period of 3 months.</p>
<p>Medical/Disability</p> <p>Reasonable preference category 166A(3) (d)</p>	<p>The customer's housing is unsuitable for medical/disability reasons but they are not housebound and their life is not at risk due to their current housing. However the housing conditions are directly contributing to their ill health or disability.</p> <p>Examples are as follows:</p> <ul style="list-style-type: none"> <li>• Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without settled accommodation</li> <li>• A person whose disability means that re-housing would enable them to overcome physical barriers created by their current</li> </ul>

	<p>accommodation e.g. stairs and steps</p> <ul style="list-style-type: none"> <li>• A person with a disability requiring substantial adaptations where their current accommodation cannot be reasonably and practicably adapted to meet their needs after consultation with the relevant Local Authority</li> <li>• A person with a terminal illness or long term medical debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support.</li> </ul> <p>The assessment will not be made on the basis of the customer's health or disability but on how their accommodation affects their health or disability.</p>
<p>Hardship</p> <p>Reasonable preference category 166A(3) (e)</p>	<p>Customers who need to move to a particular locality where failure to meet that need would cause hardship to themselves or others. This would include people needing to move for:</p> <ul style="list-style-type: none"> <li>• Employment purposes* including people needing to move from outside Cumbria and between Cumbrian Districts.</li> <li>• To be near relatives to give or receive support</li> <li>• To access medical treatment/social services facilities.</li> </ul> <p>This priority will apply to:</p> <ul style="list-style-type: none"> <li>• Customers who require support from relatives or friends will only be considered where there is a severe disability or mental ill health, medical or welfare issue and there are reasons why this support cannot be made available through reliance on public transport or the customer's own transport.</li> <li>• *Employment purposes are defined as: Customers, including people needing to move from outside Cumbria and between Cumbrian Districts, taking up or continuing permanent employment for a minimum of 16 hours per week. Under this clause customers will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer. The qualifying criteria</li> </ul>

	<p>for Right to Move are detailed in Appendix 6.</p> <ul style="list-style-type: none"> <li>• In cases of extreme financial hardship, following assessment, an applicant may be awarded reasonable preference. These are likely to be cases where the person is so financially impacted by their current housing that they cannot afford to adequately feed, clothe and meet the fuel costs for themselves and their family and this is not the fault of their own actions.</li> <li>• Social housing tenants suffering extreme financial hardship, as a direct result of welfare reform and moving will alleviate their financial hardship.</li> </ul>
<p>Overcrowded</p> <p>Reasonable preference category 166A(3) (c)</p>	<p>Customers who need to move due to overcrowding by 1 bedroom or more.</p> <p>Applicants will be assessed according to the Cumbria Choice policy for overcrowding (see section 4.3)</p> <p>A household will be considered for this category where they are 1 bedroom or more short of the required bedrooms.</p>
<p>Property Condition</p> <p>Reasonable preference category 166A(3) (c)</p>	<p>Households where there is one or more category 1 hazard as assessed under the Housing Health and Safety Rating System (HSSRS) as defined under Part 1 of the Housing Act 2004.</p> <p>Where an officer from the Council has determined that a private sector property (tenanted) contains one or more serious category 1 hazards, as defined by the Housing Health and Safety Rating System. The award is made in respect of a significant risk to the health and well-being of the occupant(s), and where there is no prospect of the issues being remedied in a period of time that the Council considers reasonable.</p>
<p>Under Occupation</p> <p>Reasonable preference category 166A(3) (c)</p>	<p>Social housing tenants of a partner organisation that are under occupying a property by 1 bedroom who bid on properties with 1 less bedroom than they currently have.</p> <p>An assessment will be made on the basis of the current family composition and will also take into account the family composition at the start of the tenancy.</p>

<p>Armed Forces</p> <p>Additional Preference 166A(3) (3)</p>	<p>Armed forces that are currently in service or have been in service within the last 5 years for a minimum of a 3 year period will be placed in Band C (reasonable preference), subject to housing need assessment qualification.</p> <p>Bereaved spouse (including same sex) or civil partner of those serving in the forces and are no longer entitled to reside in Ministry of Defence accommodation.</p>
<p><b>Band D: Low Need for Housing due to No Reasonable Preference</b></p>	<p><b>Explanation of criteria to be used in the Assessment</b></p>
<p>Band D Plus</p> <p>Customers not owed a reasonable preference but who have met the Partnership Community Contribution criteria</p>	<p>Those in Band D Plus will be given priority over other customers in Band D. To qualify for this Band applicants need to demonstrate:</p> <ul style="list-style-type: none"> <li>• Employment</li> <li>• Transfer customers of partner organisations with a positive tenancy history</li> <li>• A positive contribution to the local community – for example voluntary work</li> </ul>
<p>Band D</p> <p>Customers not owed a reasonable preference</p>	<p>Customers assessed as not being owed a reasonable preference.</p> <p>This would include those who are assessed as adequately housed.</p>
<p><b>Band E: Reduced Priority</b></p>	<p><b>Explanation of criteria to be used in the Assessment</b></p>
<p>Customers owed a reasonable preference but given reduced priority</p> <p>Customers not owed a reasonable preference and given a reduced priority</p>	<ul style="list-style-type: none"> <li>• Customers will be awarded the reasonable preference that their assessed housing needs warrant but will be given reduced priority until action is taken by them to rectify their circumstances/behaviour.</li> <li>• These customers will remain in this Band until action is taken by them to rectify the circumstances/behaviour that has led to the reduced priority.</li> </ul> <p>A customer will be given reduced priority for the following reasons:</p> <ul style="list-style-type: none"> <li>• Arrears or other housing related debt</li> <li>• Breach of a tenancy condition which is unresolved but would not warrant a full</li> </ul>

	<p>possession order</p> <ul style="list-style-type: none"> <li>• A property not meeting the required standard for a transfer customer</li> <li>• No local connection</li> <li>• Those with financial resources</li> <li>• Refusing 3 reasonable offers within a 12 month period</li> <li>• Young people less than 18 years of age unless they meet the criteria for being offered accommodation</li> <li>• Tenants with starter or probationary tenancies</li> </ul>
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- See Section 4 for detail on how reasonable preference, additional preference and reduced priority will be assessed and applied under the scheme.

### **3.2 Waiting Time – The ‘Effective’ Date**

Priority is given to customers depending on their housing need but significant importance is also given to the length of time the customer has waited for a property. Priority within each Band is determined by the length of time the application has been placed in that Band. This is either the date of registration or the date of entry into a priority Band.

Where a customer moves out of a priority Band and into Band D or E their effective date will return to their date of registration.

### **3.3 Management Discretion**

In some circumstances a property will be let directly to a customer without being advertised. This is when: a sensitive letting is required due to the person’s previous history; where there is an urgent need for housing and it would cause serious hardship or risk to the customer if they were required to ‘bid’ for a property; there is a need to make best use of the housing stock or for other housing management reasons.

This is not an exhaustive list but examples of these instances are:

- Tenants of partner organisations that need to move on a temporary basis due to a fire or flood.
- People who are at imminent risk of violence and are to be housed through a witness protection programme.
- Vulnerable people who are to be housed as part of a multi-agency protocol where a full support package is in place.
- Where an existing social housing tenant is required to move to make best use of stock and suitable accommodation has not been secured through the Scheme e.g. to make available a fully adapted property, urgently required by a priority customer.
- Where there is a need agreed between housing and social services to provide a specific property for vulnerable individuals. For example

where a property is required for people with learning disabilities to live together with support.

- Where a sensitive letting is required for a particular property because of previous issues of drug dealing, violence, public protection or anti-social behaviour.
- Tenants of partner organisations participating in a recognised down-sizing scheme.
- Special circumstances such as public protection panel cases.
- Applicants who are required to vacate supported housing where that supported housing unit is urgently needed.
- Under-occupiers in very desirable properties who have highly specific requirements.
- Ex-service tenants, who have highly specific requirements.
- Tenants who are reluctant to be decanted and where, if the offer is refused, possession proceedings will commence.
- Applicants in Band A whose defining features, including their cumulative needs, are considered to be so exceptionally severe as to warrant immediate/imminent rehousing.

When an allocation is made through management discretion this information will be included in the lettings results which are published. All management decisions will be recorded and monitored for fairness.

### **3.4 Homeless Households**

Homeless applications will continue to be dealt with by the appropriate Local Authority in accordance with the relevant legislation and codes of guidance - this includes dealing with appeals and reviews. Information regarding homelessness will be provided to homeless applicants by the Local Authority (or Local Authority agent).

However a key aim of the Cumbria Choice scheme is to address the issues of homelessness within the County and through the partnership to provide an improved service to those either homeless or threatened with homeless.

This will be achieved through sharing good practice and developing initiatives across the partnership. Through the use and development of improved ICT systems homeless households will be able to identify the housing options available to them and to have an informed view of how they can best resolve their housing needs.

Homeless households and those threatened with homelessness will have greater control and choice over where they live and through assisting them with these decisions the scheme aims to increase their commitment to both the home and the community into which they move.

Households who are found homeless or at risk of homelessness, in priority need and are unintentionally homeless, and, to whom a Local Authority has a duty under Part 7 of the 1996 Housing Act will be placed in Band A.

However some Local Authorities in Cumbria may also choose to use the provisions of the Localism Act 2011 to discharge their duty into a 12 month Assured Shorthold Tenancy (AST) in the private sector.

Homeless households will bid with immediate effect subject to suitable properties being available. Bidding patterns will be monitored by the Local Authority owing the homeless duty to ensure that bidding is taking place and to identify households that need further advice and assistance to help them through the process.

After the 6 week period during which the homeless duty is owed, partner organisations have the right to place a bid on behalf of the homeless household to an offer of suitable accommodation as defined by the Housing Act 1996 Part 7, Statutory Guidance and Suitability of accommodation Regulations. This will be made in writing and be subject to a right of review. The Local Authority owing the duty may work with Social Housing Providers to direct match homeless households and accommodation where it is appropriate to do so.

The homelessness duty will be discharged if an offer is made as a result of a successful bid on a suitable property whether or not that offer is accepted.

Customers who have been found intentionally homeless may be given reduced preference by virtue of the action which led to the intentional homeless decision and placed in Band E. Customers to whom a Local Authority has a duty under Part 7 of the 1996 Housing Act will be given reduced preference and placed in Band E where they do not have a local connection to the Local Authority. Customers will remain in this Band until the issues relevant to their circumstances have been resolved. Customers to whom a Local Authority has a duty under Part 7 of the 1996 Housing Act will be given reduced preference and placed in Band E where they do not have a local connection to the Local Authority. For cases not owed a local connection they will remain in Band E until the point where they meet the criteria set down in the policy for a local connection.

### **3.5 Households with a disability or medical need.**

The scheme enables customers who require adaptations to 'bid' for any property in the scheme. The customer will be considered for the property on the same basis as the other applicants who have placed 'bids'. However, there is an expectation that applicants awarded a priority band on disability or medical grounds will bid for properties suitable to their needs and that the landlord, where it is reasonable and practicable, will agree to the property being adapted if needed. Where a property does not meet the needs of the applicant the disability or medical priority awarded may be withdrawn for that property.

Adapted properties or properties designed to disability standards are included within the scheme and will be offered firstly to those customers with a need for this property type. This will be made clear in the advert as well as information within the advert about the actual adaptations/accessible features.

### **3.6 Serious offenders and Public Protection**

Cumbria Choice will work with the Police and Probation Service through the Housing Offenders Protocol to manage any risk posed to the public.

Officers will attend case conferences and work with agencies where cases are referred to the Multi-Agency Public Protection Panel. A range of housing options will need to be considered and the partnership will seek to assist in identifying appropriate housing that meets the needs of the customer and the community.

In some circumstances this may restrict the choice of property available to the customer but they will wherever possible be given the opportunity to exercise some choice if that is possible and this will depend on the circumstances of the case.

### **3.7 Exempt allocations**

Some transfer moves are exempt from the requirements of Part 6 of the Housing Act 1996 and will be dealt with separately.

The following are not allocations under this scheme:

- Succession to a tenancy on a tenant's death pursuant to s89 Housing Act 1985, or
- Assignment of a tenancy by way of mutual exchange, or
- Assignment of a tenancy to a person qualified to succeed to the tenancy on the tenant's death, or
- Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004, or
- The Conversion of an Introductory Tenancy (Council stock), or Starter Tenancy (Housing Association stock) into a Secure Tenancy.
- Council initiated transfers, for example due to a tenant being displaced from their accommodation due to demolition or regeneration.
- Re-housing due to being displaced from previous accommodation by the Council pursuant to the Land Compensation Act 1973.
- A person granted a family intervention tenancy.
- Provision of non secure temporary accommodation in discharge of any homelessness duty or power.

### **3.8 Armed Forces**

- Before being awarded Band A or C the service leaver would need to provide a copy of their discharge papers. (Details of the reason for leaving the service to be included on the discharge papers).
- A service leaver who has had to leave due to medical reasons before the minimum 3 year sign on period required by the armed forces would still be placed in Band C due to the fact that the reason for leaving is beyond their control.

- A service leaver who has had to leave due to serious injury, medical condition or disability which he or she or a member of their household, has sustained as a result of service will be placed in Band A.
- A service leaver who has had to leave as their service is no longer required will be placed in Band C due to the fact that the reason for leaving is beyond their control.
- Any other reason for leaving the service will be considered on an individual case by case basis and will be monitored for fairness – the partner organisation should liaise with the forces to ascertain the reason for being asked to leave.
- A service leaver with a legal interest in another property (including overseas) would not be placed in Band C as they cannot demonstrate a housing need if they already own a property.
- Service leavers will not be expected to demonstrate a local connection to a particular area unless there is a section 106 or Local Lettings Policy in place.

## **Section 4 Reasonable Preference Categories, Community Contribution and Reduced Preference**

The law requires Local Authorities to give reasonable preference for housing to certain categories of households. The statutory reasonable preference categories are set out in section 166A(3) (a) to (e) of the Housing Act 1996 (as amended) and are:

- (a) People who are homeless (within the meaning of Part 7);
- (b) People who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3);
- (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) People who need to move on medical or welfare grounds (including any grounds relating to a disability); and
- (e) 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 to others).

In framing this policy and to ensure that those in greatest need are given preference for an allocation of accommodation, the partnership has taken into account the categories of people that must be given reasonable preference by Local Authorities.

Whilst Housing Authorities are required to give reasonable preference to the above groups they will not necessarily be given the same degree of preference. Housing Authorities are able to give additional preference in their allocation policy to households who have a particular urgent need for housing.

To ensure allocation policies meet local housing needs housing authorities are also able to give priority to other groups who are outside these reasonable preference categories as long as they do not dominate the scheme at the expense of those listed in the reasonable preference categories.

### **Reasonable Preference and Additional Preference – How it is Applied Under this Scheme**

#### **4.1 Reasonable preference category S166A (3) (a) – people who are homeless within the meaning of Part 7 of the Housing Act 1996**

- Customers assessed as meeting the criteria for this reasonable preference category will be placed in Band C.
- This includes people who are homeless and have been found by the authority not to be in priority need. It also includes people who are rough sleeping or sofa surfing with no access to a home for longer than 28 days
- It will also include households at risk of homelessness within 28 days and whom the Local Authority considers is likely to be found in priority need. They will be placed in Band C where they have opted to take a

Homeless Prevention option. Those who are awarded this status may move to Band B after 3 months.

Customers in this category do not need to have made a homeless application to a Local Authority or wish to pursue a homeless application if one would be triggered according to the legal test however they do need to have had a Housing Options Interview. They do not need to be in 'priority need' for accommodation as defined by Part 7 of the 1996 Housing Act. This definition of homeless includes the statutory definition for a person who does have accommodation which is legally and physically available to them or has accommodation but it is not reasonable for them to continue to occupy.

Examples of where a customer may qualify under this category for Band C are:

- Rough Sleepers
- Those moving between friends and relatives.
- Those who have no accommodation at all in which they can live, 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 their legal right to live in that accommodation has been terminated and they will be homeless immediately or within 28 days.
- Those who have accommodation but where in the Council's opinion it wouldn't be reasonable for them to continue to occupy it.
- Those who have accommodation but cannot secure access to it, or, in the case of a moveable structure, like a caravan, there is no lawful place they can lawfully live in it.
- Those who have made a homelessness application and have been determined by the Council to be homeless but not in priority need, or have been found intentionally homeless or have no local connection.

Note: those found intentionally homeless may be given reduced preference or be made ineligible by virtue of the action which led to the intentional homeless decision where there is a clear reduced preference as defined in the policy i.e. rent arrears / anti-social behaviour.

### Homeless Prevention

The Local Authority will award additional preference to those at risk of homelessness where the customer has chosen to take a homeless prevention option, in the following circumstances:

- The customer is likely to be found to be in priority need if they became homeless and made a homeless application or pursued a homeless application that would be lawfully triggered under the legislation.
- And, the Council considers that they are at risk of being homeless (within 28 days)
- And, they have opted to take a homeless prevention option offered by the Council and as a result have been granted Homeless Prevention Status

These households will be placed in Band C for up to 3 months. The Council may then award Band B after the 3 month period. The customers 'effective date' will be the date that they moved into the respective Bands. Banding in this category will apply only in the Local Authority area where the decision has been made (Local Band only). At no point should the Local Band be lower than the Global Band.

#### **4.2 Reasonable preference category 166A(3) (b) – people who are owed a homelessness duty by a Local Authority under Part 7 of the Housing Act 1996**

- Customers assessed as meeting the criteria for this category are given additional preference by the scheme and will be placed in local Band A. Additionally the Local Authority may discharge their duty by way of a 12 month Assured Shorthold Tenancy (AST) into the private sector in accordance with the Localism Act 2011.

Customers who will be given this additional preference are:

- People who are in priority need and the Local Authority has accepted that it owes the household a full homeless duty under section 195(2) as being threatened with homelessness in the next 28 days, and the Local Authority is taking steps to try and prevent that homelessness from occurring. People who have been accepted as being owed the full homeless duty under section 193(2) - those who are deemed homeless, in priority need and unintentionally homeless.

Note: The Band awarded will be Local Band A (i.e. Band A only applies in the authority where the homelessness decision was made) except in the case where the household also meets the criteria for Exceptional Need to Move (s3). Applicants owed a duty by another local authority outside of the partnership are required to apply through the receiving authority.

#### **4.3 Reasonable preference category 166A(3) (c) – people occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions**

Customers being assessed as meeting the criteria for this category will be placed in Bands A, B or C. Customers will be placed in Band C where they have been given reasonable preference and Bands A and B where they have been awarded additional preference by the scheme. Additional preference is awarded based on the severity of the housing need.

##### Additional Preference

Customers will be awarded additional preference and placed in Band A in the following circumstances:

- Households living in conditions which give rise to an imminent risk of harm and where the Local Authority has served a Prohibition Order under Part 1 of the 2004 Housing Act.

- Excessive Overcrowding i.e. Where a Local Authority officer or Registered Provider has made an assessment using the Housing Health and Safety Rating system and concluded there is a high risk of harm due to overcrowding.

Note: Customers may be given Band B priority based on a combination of housing needs – see Cumulative Preference (section 4.7) below.

Owner occupiers will only be considered if they are elderly, disabled or have a mental ill health and their property is likely to give rise to an imminent risk of harm and they do not have the financial means to carry out essential repairs.

### Reasonable Preference

Reasonable preference Band C is awarded for households where there is one or more category 1 hazard as assessed under the Housing Health and Safety Rating System (HHSRS) as defined under Part 1 of the Housing Act 2004. This will mean where a category 1 hazard has been identified by the Local Authority and the Local Authority is working with the landlord to resolve the problem or taking enforcement action.

Where an officer from the Council has determined that a private sector property (tenanted) contains one or more serious category 1 hazards, as defined by the Housing Health and Safety Rating System (HHSRS). The award is made in respect of a significant risk to the health and well-being of the occupant(s), and where there is no prospect of the issues being remedied in a period of time that the Council considers reasonable.

Customers will be awarded reasonable preference and placed in Band C in the following circumstances:

- Customers who are living in overcrowded conditions.

Reasonable preference will be given to households lacking one bedroom or more.

The standard used for the assessment of overcrowding by Cumbria Choice is as follows:

A separate bedroom should be allocated to the following persons:

- A person living together with another as husband and wife (whether that other person is of the same sex or the opposite sex).
- A person aged 16 years or more.
- Two persons of the same sex aged less than 16 years.
- Two persons (whether of the same sex or not) aged less than 10 years.
- Any person aged under 16 years in any case where he or she cannot be paired with another occupier.

Customers who have voluntarily allowed family member(s) or other(s) to move into their property will not be given reasonable preference.

Social housing within the Cumbria Choice region is subject to acute pressure and there is a particularly high demand for family size accommodation. Partner organisations need to make best use of their stock and for this reason children will only be included in the overcrowding calculation at their main place of residence.

Tenants of landlords within the Cumbria Choice Scheme who under occupy a family home where a move will free up accommodation.

- Additional preference for customers who need to move on hardship grounds where failure to move will cause hardship to themselves or others. Social housing tenants of a partner organisation that are moving to a property that will have at least 2 bedrooms fewer than their current property will be awarded Band B.
- Reasonable preference for customers who need to move on hardship grounds where failure to move will cause hardship to themselves or others. Social housing tenants of a partner organisation that are moving to a property that will have 1 bedroom less than their current property will be awarded Band C or Band B (cumulative preference) where the household is under-occupying a social rented property and is suffering extreme financial hardship, as a direct result of welfare reform, and is prepared to downsize to a more suitable property with fewer bedrooms that will alleviate their financial hardship. The responsibility for undertaking a financial assessment lies with the relevant landlord, who may liaise directly with the Council.

#### **4.4 Reasonable preference category S166A (3) (d) – people who need to move on medical or welfare grounds including grounds relating to a disability**

Customers being assessed as meeting the criteria for this category will be placed in Bands A, B or C. Customers will be placed in Band C where they have been given reasonable preference and Bands A or B where they have been awarded additional preference by the scheme. Additional preference is awarded based on the severity of the housing need.

Note: Preference will only apply where the applicant is applying for properties that are suitable, will meet their disability or medical need and are reasonably capable of being adapted and at a reasonable cost.

Note: Customers given only reasonable preference (Band C) may be given a Band B priority based on a combination of housing needs – see Cumulative Preference (section 4.7) below.

- Disability or Medical Grounds – Additional Preference

A customer who has an urgent need to move for medical reasons or due to a disability, which is being exacerbated by their current housing situation will be awarded additional preference and placed in Band A. This would include

people whose safety is at risk due to their current housing or who are completely housebound because of the type of accommodation they live in.

The assessment will be made by an officer of the partner organisation with specific responsibility for the assessment of such cases and following a set of criteria based upon routine disability or medical conditions and property conditions/facilities. The officer will make the assessment from information given by the customer who will be required to complete a disability/medical questionnaire.

In most cases the assessment will not be of the customer's health or disability but how their accommodation affects their health or disability. In exceptional circumstances that do not meet the set criteria the case will be passed to a senior officer within the partner organisation administering the application.

For more serious cases evidence maybe required from an Occupational Therapist, Doctor or Consultant. In some cases a decision may be taken to pass the information to a medical consultancy commissioned by the Partnership for the purposes of clarification. The decision on whether to award priority in such cases will be taken by the senior officer of the partner organisation.

The following are examples of cases that would qualify for Band A priority. It applies to the applicant or a member of their household that the partner managing the application has agreed meets the criteria to be included on their application:

- An immediate life threatening condition which is seriously affected by the current housing and where re-housing would make it significantly easier to manage.
- A member of the household cannot be discharged from hospital until a suitable adapted property is provided.
- Due to limited mobility a person is unable to access essential parts of the property e.g. bathroom/toilet and requires re-housing into accommodation suitable for their use.
- A member of the household is elderly or has a disability or has a fluctuating or progressive long term illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.
- Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability which they or a member of their household, has sustained as a result of service.
- People who have a severe mental ill health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care.
- A serious illness, is currently receiving palliative care and urgently requires rehousing to facilitate the ongoing provision of this care.

- A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care.
- The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g. applicant has severe mental health problems that are significantly exacerbated by their accommodation.
- A new and life changing condition that severely disables their mobility, meaning they are unable to carry out day-to-day activities or have difficulty accessing facilities inside and outside of their accommodation and requires rehousing into accommodation suitable for their use.
- Where their current property leaves a person at risk of infection, e.g. where an applicant is suffering from late stage or advanced HIV infection.

- Disability or Medical Grounds – Reasonable Preference

Customers whose housing is unsuitable for severe medical reasons or due to disability but who are not housebound or whose safety is not at risk due to their current housing will be awarded reasonable preference and placed in Band C.

Their housing conditions will need to contribute to causing serious ill health. Their circumstances will be assessed in the same way as for the additional preference category above. The assessment will be made by an officer of the partner organisation with specific responsibility for the assessment of such cases and following a set of criteria based upon routine medical conditions and property conditions/facilities. The officer will make the assessment from information given by the customer who will be required to complete a medical questionnaire.

In most cases the assessment will not be of the customer's health or disability but how their accommodation affects their health or disability.

In some cases evidence maybe required from an Occupational Therapist, Doctor or Consultant and a decision may be taken to pass the information to a medical consultancy commissioned by the Partnership for the purposes of clarification. The decision on whether to award priority will be taken by the partner organisation.

The following are examples that would qualify for Band C priority:

- Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without settled accommodation.
- A person whose disability means that re-housing would enable them to overcome physical barriers created by their current accommodation e.g. stairs and steps.
- A person with a severe disability requiring substantial adaptations to a property which is not provided for in their current accommodation.

- A person with a terminal illness or long term fluctuating or progressive medical condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support.

### Welfare Grounds – Additional Preference

- Domestic Abuse, extreme violence or extreme harassment.

Customers who need to move due to domestic abuse, extreme violence or extreme harassment or hate crime will be awarded Band A priority. This would include, hate crime, disability, religious, racial, homophobic or gender reassignment/transgender harassment and will be awarded for exceptional circumstances where there is a high risk to the tenant or their family's safety if they remain in the property/area.

This priority will be given in circumstances where the customer does not wish to make a homeless application but cannot remain in the property long-term or has moved to stay with relatives or friends because of the threat. They will be awarded this priority without needing to pursue a homeless application though it remains their choice to do so.

Tenants of partner organisations can be assessed and given Band A priority by their own Landlord (regardless of who is administering their housing application). All other applicants to the scheme will be assessed by the Local Authority Housing Options Team.

The assessment will be made by a senior officer within the partner organisations and will be based on evidence provided by the customer and other appropriate statutory and voluntary agencies. This would include, the Police, Social Services, referrals by MARAC, Domestic Violence and LGBT support groups.

- Move on from supported housing projects

Customers who are moving on from a specified list (Appendix 8) of supported housing projects will be awarded Band B.

They must have a vulnerability and urgent housing need that is best met through the provision of long term settled housing. To qualify for this additional preference the support provider will provide a completed Move On from Supported Accommodation Form (Appendix 7) which provides evidence that the customer:

- Has successfully completed a minimum of 6 months in the supported housing scheme (except in proven exceptional circumstances when a lesser period may be considered).
- Is ready to move to independent settled accommodation.
- Has a support package that has been assessed and is in place.

Customers can register when they move into supported accommodation and are likely to be awarded Band D priority. When they are assessed as ready to move on they will be awarded Band B priority.

- Young Person in Need (including young people moving on from Care).

Young people referred by Social Services in accordance with the joint protocol will be awarded Band B. All referrals by Children's Services will be made following the provision of Cumbria's Joint Protocol for young people, 2015.

Referrals will be made where a young person is leaving care or housing and child in need assessment with a recommendation for housing has been made. The criteria for the award of additional preference are:

- The young person is ready to move to independent settled housing and is genuinely prepared for a move to independent living.
  - They possess the life skills to manage a tenancy including managing a rent account.
  - The young person is in need of medium or long term tenancy support.
  - The support package has been assessed and is in place.
  - Their needs are such that accommodation in the private rented sector, through its short term nature, would have a detrimental effect on their move to independent living.
- Welfare grounds – reasonable preference
    - In cases of extreme financial hardship, following assessment, an applicant may be awarded reasonable preference. This is likely to be a case where the person is so financially impacted by their current housing that they cannot afford to adequately feed, clothe and meet the fuel costs for themselves and their family and this is not the fault of their own actions. The responsibility for undertaking a financial assessment lies with the relevant landlord, who will liaise directly with the Council. The decision to award additional preference lies solely with the Council and will be considered on a case by case basis.
    - Social housing tenants suffering extreme financial hardship, as a direct result of welfare reform and moving will alleviate their financial hardship. The responsibility for undertaking a financial assessment lies with the relevant landlord, who will liaise directly with the Council. The decision to award preference lies solely with the Council and will be considered on a case by case basis.

**4.5 Reasonable preference category S166A (3) (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 others.**

Customers being assessed as meeting the criteria for this category will be awarded reasonable preference and placed in Band C.

Note: Customers given only reasonable preference (Band C) may be given a Band B priority based on a combination of housing needs – see Cumulative Preference (section 4.7) below.

The people who meet these criteria are those who need to move for:

- Employment purposes
- To be near relatives to give or receive support
- To access medical treatment/social services facilities

Customers who are assessed as meeting these criteria for employment purposes will be placed in Band C. Priority will only be given in exceptional circumstances and customers will need to show:

- That they need to move to take up or continue an employment opportunity not available elsewhere. They will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer.

Customers who are assessed as meeting this criterion for support purposes will be placed in Band C. Priority will only be given in exceptional circumstances and customers will need to show:

- That they require substantial and ongoing support from relatives or friends. This will only be considered where there is a severe mental health, medical or welfare issue and there are reasons why this support cannot be made available through reliance on public transport or the customer's own transport.

Example of the type of information required in order to assess the priority include:

- Confirmation of name and address of the person who is to provide the care and the person who is to receive care
- Evidence of their care requirements (Doctor, Social Services)
- Evidence of links to care groups
- Disability living allowance receipt

Customers who are assessed as meeting this criterion for access to medical treatment or social services facilities will be placed in Band C. Priority will only be given in exceptional circumstances and customers will need to show:

- That they have a need to access medical care and/or social services facilities and that cannot be met through reliance on public transport, the customer's own transport, or through provision put in place by health or social services.

Example of the type of information required in order to assess the priority include:

- Confirmation of name and address of the medical or social provision to which they need access
- Evidence of their care requirements (Doctor, Social Services)

- Evidence that no other provision is available and no assistance can be provided to enable them to access the service

Customers who are assessed as having an Urgent or High Need for Housing due to Reasonable Preference (in Bands A and B) will have their bidding activity monitored by the Local Authority or Social Housing Provider which has assessed their banding and will be expected to bid on available suitable properties. They will be offered advice and support. Proxy bids will apply to households in these bands after 6 weeks if no bids have been placed or bids made have been unsuccessful (see section 5.6), subject to suitable properties being available.

#### **4.6 Economic and Community Contribution**

This scheme aims to support economic growth within the County and to value those who make a positive contribution to their community. For customers awarded no reasonable preference and placed in Band D a proportion of properties will be made available and those who meet the economic and community criteria will be placed at the top of the shortlist.

Customers being assessed as meeting the criteria for this category will be placed in Band D Plus. Customers will be awarded this additional priority in the following circumstances:

- Low income working household – the scheme wants to encourage those people who work but are on a low income to remain in the area and contribute to the economic activity of that area.

Low income households are those who are working but would find it difficult to access home ownership or low cost home ownership.

Working households are those where at least one adult member is in employment. This is a permanent contract, working as a temporary member of staff or being self-employed. The person will only qualify if they have been employed for 9 out of the last 12 months. Verification will be sought at the point of application as well as at the point of offer.

Customers must provide payslips, P60, bank statements or a verifying letter on headed paper.

- Community Contribution – the scheme wants to encourage people who make their communities strong, stable and healthy places to live so that they will remain in that community and continue to contribute to sustaining the local area.

Volunteers must have been volunteering for a continuous period of at least 6 months at the point of application and must have continued in voluntary work at the point of offer. Volunteering must be for a not-for-profit organisation or a charity and must be for a minimum of 10 hours per month.

Note: Tenant and resident organisations recognised by a Local Authority or Registered Social Landlord are included.

Evidence of volunteering work will be required from the Manager responsible or their representative for the volunteer. This person must not be related to the customer.

- Customers of the 9 RP partners of the Cumbria Choice scheme with a positive tenancy history - the scheme wants to encourage tenants to meet the terms of their tenancy agreement and to assist and retain within the social rented sector those tenants who do.

Tenants must have a positive tenancy history to qualify:

- No on-going involvement in anti-social behaviour or criminal activities
  - A clear rent account maintained for a period of 1 year or more
  - A property maintained in accordance with the tenancy agreement
  - No breaches of the tenancy agreement in the last 3 years
  - Not have an outstanding unspent conviction or pending conviction
- Pre Tenancy Qualification Award – the scheme wants to encourage and help young people under 25 to be responsible tenants and where they are willing to learn how to be a good tenant to reward that effort.

In some Local Authority areas courses are available for young people to attend and gain a 'young person pre-tenancy qualification'. Where a young person has gained this award and shown they know how to live as a responsible tenant they will qualify for this category.

They must have attended a course recognised by the Local Authority or obtained an NVQ level qualification.

#### **4.7 Cumulative Preference**

This scheme takes account of customers who have more than one housing need and gives them additional priority for example people who have a medical need and are also living in overcrowded conditions.

Customers who have two or more of the housing needs as listed in Band C will be placed in Band B to reflect their additional housing needs:

- Households needing to move to a particular locality on hardship grounds
- Households overcrowded/under occupying
- Households where there is one or more category 1 hazard as assessed under the Housing Health and Safety Rating System (HSSRS) as defined under Part 1 of the Housing Act 2004.
- Medical or disability need
- Households suffering financial hardship as a result of housing benefit changes under Welfare Reform

## 4.8 Reduced Preference

Local Authorities have a right to reduce a person's priority for housing under their allocation policy. This action will be taken in order to enforce to existing and prospective tenants the importance of taking seriously their responsibilities as a tenant:

- The responsibility of paying their rent and service charges.
- The responsibility to keep the property in good repair and not to cause deliberate damage.
- The responsibility to conduct their tenancy in accordance with their tenancy agreement and not to cause nuisance or annoyance to their neighbours.

Reduced preference will also take account of other criteria and will be given in the following circumstances:

- There is a current or former debt owed to a social or private sector landlord.
- There is a history of unacceptable behaviour within the last 2 years (see Reduced preference due to unacceptable behaviour p42)
- Customers who have been found to be intentionally homeless but would otherwise meet one or more of the conditions for Band E.
- Customers who do not have a local connection with the Local Authority area.
- Customers who have the financial resources to purchase a property
- Customers who have refused 3 offers of accommodation that they have 'bid' for or been offered under management discretion within the last 12 months.
- Young people less than 18 years of age unless they meet the criteria for being offered accommodation which would be those who are accepted as homeless with a full duty or referrals from Children's Services.
- Tenants with starter or probationary tenancies.

### Reduced preference due to current or former housing related debt

For the purpose of this policy the partner Council, when carrying out an assessment, will take into consideration all property related debts that are both recoverable and not statute barred. This includes any:

- I. current or former tenancy rent arrears;
- II. outstanding re-chargeable repairs;
- III. current and former housing related service charge arrears;
- IV. bed and breakfast or other temporary accommodation charge arrears;
- V. associated court costs.

Property related debts apply to both the applicant and members of their household.

Where a property related debt over £500 is in existence with any landlord party to this policy, the application for housing would be given the reduced

preference but in addition the applicant would not be actively considered for housing until such time as they have:

1. entered into a repayment plan with the former landlord;
2. made a minimum of 13 consecutive weekly payments, at an agreed level; and
3. repaid a minimum of 25% of the debt.

This process can only be circumvented where the debt is repaid in full. In order to encourage good financial management and discourage applicants from using doorstep lenders, who may charge excessively high interest rate loans, lump sum payments of above 25% of the total debt owed would not count until the 13 week minimum repayment period has been satisfied.

The process may be circumvented where the partner Council believes that highly exceptional and significant circumstances exist, and the need to move is considered urgent. This will be a decision of the senior officer responsible for the housing allocation policy in the partner Council.

Applicants with a housing related debt up to £500 will be awarded reduced preference and can be considered for housing they successfully bid for providing that they had agreed and were actively following a repayment plan for a minimum of 13 consecutive weekly payments. Adherence with the plan would be checked prior to an offer of accommodation being made by the partner concerned.

Housing debt from all tenures will be considered and includes current or former rent arrears and/or recharges for repairs from property damage.

Non housing debts will not be considered. This includes for example housing benefit overpayments and mortgage arrears. These debts are either not legally enforceable in tenancy law as a condition of the tenancy or under grounds for possession in the Housing Act 1985.

Where a customer has a debt each case will be considered individually and in certain circumstances the customer will not be given reduced preference. Examples include but are not limited to:

- Customers who have been accepted by a Local Authority as unintentionally homeless and in priority need.
- The customer has been a victim of Domestic Violence
- The debt arose due to the customer's vulnerability.
- The customer was unable to pay due to circumstances other than deliberate non payment.
- The customer has suffered financial hardship as a result of welfare reform.

Note: In circumstances where a debt is owed to a housing organisation and the customer is not to be given reduced preference in accordance with the examples listed above the organisation to whom the debt is owed may decide not to make an offer of accommodation. The customer will be expected to set up and maintain a repayment plan to the creditor landlord. Other RP's may choose to make an offer of accommodation based on the applicant's individual circumstances where the repayment has not been set up or maintained.

Although this is a common allocation policy across 6 local authority areas including the local authorities and the registered provider partners individual partners may apply their own rules as to whether to accept a bid from an applicant where there are current or former rent arrears or poor behaviour.

Any debt will be assessed at the point at which the customer's priority is being considered unless any new information becomes available at a later time and the following will be considered:

- The amount of the arrears/debt.
- Whether there are any exceptional circumstances as detailed above. If this is the case then the customer will not be subject to reduced preference.
- Whether the customer has entered into any arrangement to clear the arrears/debt and if so, the amount already paid off and the length of time and regularity of any payments.

Customers who owe a debt over £1000 may be deemed ineligible based on a case by case basis and subject to any exceptional circumstances. This is because customers with that level of arrears will be considered by the Local Authority to be unsuitable to be a tenant by reason of that behaviour.

Customers can apply at any time to have their application reinstated where they are able to show an improvement in their behaviour, in this instance full payment of the debt owed or maintenance of the agreement made.

#### Reduced preference due to unacceptable behaviour

Customers will be given reduced preference where it can be satisfied that having considered all the available evidence they (or a member of their current or prospective household) has failed to adhere to the terms of any current or previous social housing or private sector tenancy agreement.

This would include but is not limited to following examples of unacceptable behaviour:

- Failing to maintain the property within the terms of the agreement – for example damage to the property, accumulation of large amounts of rubbish in and around the property.
- Conduct likely to cause nuisance or annoyance – this is conduct or behavior that does not only relate to a previous social housing or private rented sector tenancy agreement. This includes where an applicant or a member of their current or prospective household is the subject of actions being taken by the Council (or some other competent body) on grounds of alleged Anti Social Behaviour (ASB).
- Committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality where they live or where they previously lived. This would include noise nuisance, threatening or abusive behaviour.
- Criminal behaviour that was relevant to the tenancy and/or locality, for example being in possession of illegal drugs, acts of public disorder.

- Serious breaches of a social or private sector tenancy agreement – for example operating a business from the premises, having an unreasonable numbers of pets at the property.
- Behaving in a threatening, abusive or obstructive manner towards staff of the partnership and or their contractors.

#### Reduced preference due to the refusal of 3 reasonable offers of accommodation

Customers who have bid for and refused 3 offers of accommodation (including any reasonable offer made through management discretion) within 12 months of the date of their first offer will have their priority for housing reduced for a 12 month period. After this 12 month period of reduced preference the customer will be returned to their original Band with their original date as long as a change of circumstances has not occurred.

Note: this does not apply to homeless customers owed a Local Authority duty who will be made one reasonable offer.

#### Notification of reduced preference

Customers who have been given a reduced preference will be provided with written notification of the decision which will contain the following information:

- The reasons for the decision to give reduced preference.
- The Band that their application would be awarded had they not been given reduced preference and placed in Band E.
- Their right of appeal and the requirement to put their request in writing within 21 days of receiving the decision.
- What they need to do before their application will be placed in the Band determined by their housing needs.
- That a customer can ask at any time for their application to be removed from the reduced preference Band. The request for removal must be made in writing and must set out why the customer believes that the reduced preference they have been given is no longer justified.

## **Section 5 How the Scheme Operates**

### **5.1 Advertising the Properties**

Choice based lettings are about the customer having choice in where they live. Properties will be advertised and customers will be able to indicate the properties for which they want to be considered by 'bidding'. Once the bidding process closes a shortlist will be compiled and the property allocated taking account of the banding priority of the applications and their time waiting.

The partnership organisations have agreed to advertise the majority of their properties through Cumbria Choice. Properties will be advertised on a weekly basis on both the website and in newsletter form.

Properties will be advertised in an easy to read format. They will usually include a picture of the property or scheme in which it is located. Property adverts will include details of the property and will indicate suitable household size as well as giving information about the local area. They will (where appropriate) indicate the priority band of customers eligible to apply. The properties will clearly indicate which housing organisation is the Landlord.

Properties may be advertised during the 4 week notice period given by an outgoing tenant. If the notice is subsequently withdrawn by the tenant the property will therefore be unavailable to let.

All categories of properties will be advertised. General needs properties; properties that have been adapted for those with disabilities; properties that are specifically for the elderly and which may have a warden and/or an emergency call system. Adverts will clearly indicate any restrictions on bidding (e.g. where properties have been adapted and/or are specifically for people with disabilities) and will detail any particular criteria that apply (e.g. where full occupancy is required, affordability criteria etc.)

Bids from customers will only be accepted if they meet all of the eligibility criteria for the property. However if their situation is changing imminently, once evidence has been provided they will also be accepted.

### **5.2 Extra Care Properties**

Properties which provide extra care facilities are provided under the Supporting People Programme. Customers requiring these properties will need to apply direct to the provider.

### **5.3 Sheltered Housing**

Sheltered accommodation is included within the scheme. It is generally for people of 60 years and older and offers independent living with the added security and support of a warden service. In certain circumstances it may be advertised for people less than 60 years. Property advertisements will clearly state the age requirements of customers able to 'bid' for a property.

## **5.4 Quota system**

A quota system may be used to allow customers in lower priority Bands access to housing. This allows a proportion of properties to be advertised as available only to those in a specific Band. The system will be monitored to ensure that it does not operate to the detriment of those with a higher need for housing meaning that overall the scheme will continue to meet the needs of applicants assessed as being owed a reasonable preference.

If a particular partner local authority decides to use a quota system they will agree the quota systems in their own areas in conjunction with their partner social housing providers. They will be individually decided to meet local requirements.

Where a quota system exists partners will have formal agreements with the relevant Local Authority, specifying the % lets for each Band. These will be reviewed by the partnership for that local authority area on an annual basis.

The quota system operated in each Local Authority area will be available on the Cumbria Choice website and on request from the offices of all partner organisations.

## **5.5 The 'Bidding' process**

Properties are advertised on a weekly cycle. Customers may express an interest - 'bid' on any advertised property that meets their needs. They are able to place up to 3 bids each week.

Bids can be made in a number of ways: on the website using the username and password; by telephoning or visiting the office of a partner organisation; by mail; by automated telephone bidding; by proxy bidding (see 'proxy bids' 5.6).

A person may bid for any suitable property advertised in the scheme; this means any area covered by the scheme and any landlord advertising in the scheme. Bidding is not restricted to areas where a person may have a local connection unless the advert specifies 'local connection only'.

Customers are able to check their position on the list at the time of the bid, together with the total number of bids already placed. This allows customers to make decisions about their choice of property and the likelihood of being successful. Within the bidding period, customers may withdraw bids and make further bids.

Only the customer whose bid is successful will be contacted.

## **5.6 Proxy Bids**

The relevant Local Authority will be able to place bids on behalf of homeless households owed a full homeless or threatened with homeless duty under section 193(2) or 195(2) of the Housing Act 1996 Part 7 who have not made bids or not made any successful bids during the 6 week period that they are owed that duty and have been awarded their banding for that duty. In addition

the Local Authority will also make proxy bids on behalf of homeless households who have not yet had a decision (a S184 decision) on their homeless application, but have been in temporary accommodation for a period of 6 weeks or more, regardless of their current banding as to whether it would be a 'suitable offer' should the bid be successful.

Customers who have been awarded Band A for any housing need or circumstances will also be subject to Proxy Bids, if they have not been bidding, following a 6 week period of being awarded the Band subject to suitable accommodation having been available during that 6 week period. If the customer refuses an offer which is deemed reasonable and suitable, Band A preference may be reduced.

It is also appreciated that there will be a number of vulnerable customers who will require agencies to make bids on their behalf. Proxy bids will be taken from agencies and support groups where the customer gives their consent for bids to be made on their behalf.

### **5.7 Shortlisting**

At the end of the advertising period a shortlist of suitable applicants will be produced by the web based IT system.

Where priority is to be given to applicants with a local connection to the area this will be reflected in the shortlist. (See 'local connection' 5.8)

The customer at the top of the shortlist will be made the offer unless there is reason not to do so. (See 'the offer' 5.10).

Where a customer is at the top of more than one shortlist they will be contacted to make a preference within 24 hours and before a viewing can be arranged. Where there are two households with the same Band and length of time on the register a decision to offer the property will be based on the household who is assessed as being most suitable for the property.

Where the property advert has indicated specific requirements such as age or accessibility, only those customers meeting those requirements will be eligible for an offer.

### **5.8 Local Connection**

In situations where priority is to be given to applicants with a local connection the process will be:

- Banding priority will apply
- Within each Band those with a local connection to the Local Authority in which the property is located will be given a higher priority than those whose local connection is with other Cumbrian Authorities.
- Customers with no local connection to any Local Authority partner organisation within the Cumbria Choice scheme may be given reduced preference.

Properties where no local connection is required will be identified through information given in the advert.

For some towns and villages where there is a high demand for housing additional priority may be given to customers who have a local connection to the particular town or village. Advert details will state where a customer having a local connection to the specific town or village may be given priority. Those towns and villages operating a local connection policy will be identified within each Local Authority's local lettings plans. In any local letting plan for a particular town or village the definition of local connection may be based on locally agreed criteria and will not necessarily be the definition in section 5.8.

A local connection means that a customer:

- Currently resides in the area in either temporary or permanent accommodation and has been resident in the Local Authority area or specified town/village for at least 6 out of the past 12 months or 3 out of the past 5 years.
- Is at present permanently employed in the district or specified town/village for a minimum of 16 hours per week, or has a firm permanent job offer in the locality for a minimum of 16 hours per week. Permanent employment will be taken to include contracts for a minimum of 1 year's continuous employment, and the self-employed, on provision of evidence of a viable business. The Local Authority should obtain confirmation from the employer that the person is in employment and that the employment is not of a casual nature.
- Has evidenced a family connection with someone who lives in the Local Authority area or specified town/village. Family connection means: parents, adult children, brothers or sisters, grandparents and foster carers or guardians who have been resident in the district for a period of at least the last 5 years.
- Currently serving in the regular armed forces or has served in the armed forces in the five years preceding application.
- Currently in the armed forces or are an existing or former member of reserve forces and suffering from a serious injury, illness or disability.
- Bereaved spouse (including same sex) or civil partner of those serving in the regular forces and are no longer entitled to reside in Ministry of Defence accommodation.
- They need to live in the locality either because they are ill and/or need support from a relative who lives in the locality, or because they need to give support to a relative who is ill and/or needs support who lives in the locality. Proof of illness and/or need of support will be required from a medical doctor or relevant statutory support agency.
- On advice from an appropriate professional it is clear that they need to live in the locality due to reported domestic violence, harassment and/or hate crime at a previous locality and moving to the locality will reduce risk of harm and enable support, employment and/or education needs.

The partnership aims to improve mobility within the sub region and will advertise at least 10% of all partner organisation properties to all customers across the sub region regardless of local connection.

## **5.9 Section 106's**

Under the Town & Country Planning Act 1990 some developments are subject to Section 106 planning obligations which usually requires properties to be let to customers with a local connection to stated Parishes. Where this applies only those applicants meeting the requirements of the Section 106 agreement will be eligible for an offer of a property.

Advert details will state when the letting of a property is governed by a Section 106 agreement.

### **5.10 The Offer**

Prior to an offer being made the landlord of the advertised property will carry out a further verification of the customer's eligibility and priority. In certain situations the offer will not be made:

- If since joining the scheme an applicant has become ineligible.
- On verification of the applicants' details, the priority band was found to have been incorrectly awarded due to the information received by the applicant or due to mistakes in the assessment of the application itself.
- The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.
- The partner landlord has good housing management reason not to offer a property.

In order to address issues relating to under-occupation, partner landlords may require either that the property will be fully occupied by the new tenant or allow a level of under-occupancy. Full occupation may be required where high demand exists and/or the partner landlord considers full occupancy necessary to make best use of its housing stock. When letting to achieve full occupancy the letting made will comply with the Household Type and Property Size criteria as shown in Appendix 4. Individual landlords will publish information about their approach to occupancy following consultation with the Local Authorities in whose areas they operate. This will be available on the Cumbria Choice website.

When an offer of the property is made the customer may be required to provide proof of their identity and that of all members of their household e.g. passport, photo driving licence, birth certificate. In circumstances where none of these are available other identity evidence will be accepted. No offer of accommodation will be made unless a National Insurance Number is provided.

### **5.11 Refusing and Non Replies to Offers**

Customers who have bid for and refused 3 offers of accommodation (including reasonable offers made under management discretion) will have their priority reduced for 12 months. (see 'reduced preference' 4.8)

**Note:** Those household accepted as statutorily homeless and owed a duty to house will lose their priority status banding for being accepted as statutory homeless if they refuse a 'suitable offer of accommodation' they have bid for or where a bid has been made on their behalf by the Council or another organisation. The offer of suitable accommodation made will also bring the homeless duty owed to them to an end and they will be warned of this consequence at the point the property is formally offered to them.

If a customer does not reply to an offer within 2 working days of receiving the offer it is deemed to have been refused and the property will be offered to the second customer on the shortlist.

Where the customer has given their consent for someone to either act on their behalf or receive the offer, we will ensure notification is provided to them.

### **5.12 Local Lettings**

Partner organisations may draw up local lettings policies for an area or estate to meet the specific needs of that local community. Local lettings policies may be used to tackle particular management problems and/or to address imbalances in the community.

Schemes will be drawn up where either, local residents or partner organisations have identified its benefit to the local community. These arrangements will be agreed and reviewed by the Partnership and will be Equality Impact assessed for fairness.

Where such a scheme applies a property may not always be offered to the bidder with the highest priority. Local Lettings schemes will be publicised on the Cumbria Choice website and available in leaflet form to ensure openness and transparency in the lettings process.

For information on how Local Letting Policies will be applied to the Cumbria Choice Scheme see Appendix 10.

### **5.13 Feedback on Lettings**

A main aim of the Cumbria Choice scheme is to operate an open and transparent lettings system.

The result of lettings made through the scheme will be published on the Cumbria Choice web site and at the end of the property advert newsheet.

### **5.14 Other Options**

A further aim of the scheme is to promote other potential housing options appropriate to applicants. These might include shared ownership/shared equity properties, mutual exchanges, private rental and lodgings. Partner landlords will raise awareness of these options and support and advice to applicants considering such options.

With regard to mutual exchanges, all partners are members of the national mobility scheme and the Cumbria Choice website provides a link to this scheme. The option to mutually exchange will in particular be promoted to applicants who under-occupy their homes. Partners will proactively seek to identify exchange opportunities for applicants who under-occupy, as well as advising of other potential options to enable downsizing.

## **Section 6    The Review Process**

Customers who want to query a decision made in relation to their application to register and any other subsequent decisions are first able to speak to the Officer making the decision to have that decision clarified or amended. This is outside the review process and does not affect a customer's right to ask for a formal review of the decision.

- 6.1    There is a right to a review of a decision in the following situations:
- The customer disagrees with the Band in which they have been placed.
  - The customer considers that a decision has been reached based on incorrect information.
  - The customer has been treated as ineligible on the basis of their immigration status.
  - They have been treated as not qualifying to be included on the register due to serious unacceptable behaviour or another qualification criteria set out in the policy.
  - Their application has been given reduced preference.
  - The customer believes they have been discriminated against due to them having one or more protected characteristics under the Equality Act 2010.
- 6.2    Customers will be notified in writing of decisions made and will be advised of their right to request a review of that decision.
- 6.3    Where a customer is excluded or suspended from the Register they will be given full information on the reasons for the decision. They will be advised of what action they need to take to rectify the situation and any appropriate advice or assistance available.
- 6.4    Customers must request a review of a decision within 21 days of being notified in writing, unless there are exceptional circumstances which prevents them from requesting a review within that timescale.
- 6.5    Customers must contact the partner organisation dealing with their application and will be advised to put their request for a review in writing. However they are able to telephone or visit an office in person and request that their request for a review is taken in writing by an officer. They must give reasons why they wish to have the decision reviewed including where they believe an incorrect decision has been made on the facts.
- 6.6    The review will be carried out by a senior officer in the organisation dealing with the application. That officer will not have been involved in making the original decision.

The review will be considered on the basis of the authority's allocation scheme, any legal requirements and all relevant information. This will include information provided by the applicant on any relevant developments since the original decision was made

- 6.7 Cumbria Choice will aim to complete and inform the applicant in writing of the decision within 21 working days, after taking into account any additional information that has been provided by the customer. Alternatively, the customer will be advised of any time extension required to make the decision.
- 6.8 The customer will be advised of the reasons for the decision and their right to request a further review if they are dissatisfied with the decision.
- 6.9 Customers must request a further review within 21 days of being notified in writing of the review decision. Customers will only be entitled to a further review if they have new information relevant to their case, that they want the review panel to consider.
- 6.10 Customers will be required to request a further review in writing and to submit additional information with their request. They will be advised that they are able to seek assistance from the partner organisation to make this request.
- 6.11 A review of the decision will be considered by a panel of at least 3 officers from within the partnership. It will not include officers from the organisation that dealt with the review.
- 6.12 Cumbria Choice will aim to complete the second review and inform the applicant in writing, of the decision within 21 days of receiving all information from the customer. This period may be extended on notification to the customer.
- 6.13 A customer still has the right to continue with their complaint to the Ombudsman service.

## Section 7 Appendices

### 7.1 Appendix 1 – Definition of Terms

Accessibility – Used here the term refers to how ‘user friendly’ the service is to all people who may want to use it.

Adapted Property – Property that is suitable for those with a physical disability i.e. where a stair lift has been fitted.

Automatic Bidding – Within the ICT system a means of expressing an interest in a property for someone, without making the bid themselves.

Banding Scheme – The method by which customers are prioritised for social housing (previously ‘points schemes’).

Bidding – The term used to describe people who register an interest in a property (no money is involved in making the bid).

Choice Based Lettings (CBL) – The system of letting property that gives customers choice in where they live through advertising property.

Common Housing Register – One list for all of Cumbria of people applying for social housing (previously ‘housing waiting lists’).

Customers – Those people applying to the scheme for housing.

Effective Date – The date used to decide between customers in the same Band to establish who has waited longest.

Fully Occupied – Bedrooms in the property that are being fully used in terms of the household occupying the property in accordance with the table in Appendix 4. When they are not fully used the property could be considered under occupied.

Global Band / Local Band – In most cases a Band awarded applies for properties in all local authority areas and is therefore global. In a few cases defined in the policy a Band only applies within the Local Authority area where the applicant is living and is referred to as a Local Band.

Hard to Let – Low demand property where it takes longer to find a tenant.

Housing Options – A term used to describe a service that advises customers of all their choices and includes mutual exchanges, low cost home ownership and renting in the private sector.

Letting Policy – The means by which it is decided how property will be offered to customers.

Local Lettings – Short term policy made in local areas (to tackle specific, identified housing management issues) on how property will be offered that differs in some part from the overall scheme policy.

Management Discretion – Property that is offered directly to an identified person without being advertised.

Partnership – The name for the District Councils and housing organisations that have funded, developed and continues to operate the scheme.

Proxy Bidding – a Local Authority or Registered Provider places bids on the customer's behalf.

Sub Region – the sub-region covers the whole of Cumbria

Social Housing Providers – The term for a variety of housing organisations that provides not for profit housing and included local authorities, housing associations.

Starter/Probationary Tenancies – The tenancy given to new tenants by some organisations that has reduced security of tenure for 1 year.

Void Times – The length of time a property stands empty before someone moves in.

Particular Needs – The protected characteristics as defined in the Equality Act 2010.

Unreasonable Refusal – An unreasonable refusal is where the customer subsequently refused a property on which they have bid either before or after viewing and their reason for doing so was based on information available to them at the point of bidding. (Customers can withdraw bids that they have made during the bidding cycle.) Where bids have been made by autobid the customer will not be deemed to have unreasonably refused as they did not actively bid on the property. Customers will not be given reduced preference where new information arises concerning the suitability of the property for the applicant and any household member which was not available when the bid was placed. This must be based on the needs of the household.

## **7.2 Appendix 2 - Contact Details for all Partner Organisations**

Accent Housing Association  
Ambassador House  
Dalton Road  
Barrow-in-Furness  
LA14 1HZ  
Tel: 0345 6780555

Allerdale Borough Council  
Allerdale House  
New Bridge Road  
Workington  
CA14 3YJ  
Tel: 03031 231702

Barrow Housing Department  
Town Hall  
Duke Street  
Barrow-in-Furness  
LA14 2LD  
Tel: 01229 876550

Carlisle City Council  
Civic Centre  
Rickergate  
Carlisle  
CA3 8QG  
Tel: 01228 817200

Copeland Borough Council  
The Market Hall  
Market Place  
Whitehaven  
CA28 7JG  
Tel: 01946 598300

Eden District Council  
Mansion House  
Friar Gate  
Penrith  
CA11 7YG  
Tel: 01768 817817

Eden Housing Association  
Blain House  
Bridge Lane  
Penrith  
CA11 8QU  
Tel: 01768 861400

Home Group  
PO Box 115  
Duke Street  
Whitehaven  
CA28 0BT  
Tel: 0345 1414663

Impact Housing Association  
Nook Street  
Workington  
CA14 4EH  
Tel: 0344 8736290

Riverside Housing Association  
English Gate Plaza  
Botchergate  
Carlisle  
CA1 1RP  
Tel: 0345 111 0000

South Lakeland District Council  
South Lakeland House  
Lowther Street  
Kendal  
LA9 4DQ  
Tel: 01539 733333

South Lakes Housing (ALMO)  
Bridge Mills Business Centre  
Stramongate  
Kendal  
LA9 4BD  
Tel: 0300 303 8540

Two Castles Housing Association  
3 Castle Street  
Carlisle  
CA3 8SY  
Tel: 0800 0851171

Your Derwent & Solway  
Stoneleigh  
Park End Road  
Workington  
CA14 4DN  
Tel: 01900 607500

### 7.3 Appendix 3 - Eligibility Criteria

The Cumbria Choice Scheme acknowledges that it is the main access to social rented housing for people wanting to live in Cumbria. In this respect it aims to be as open and inclusive as it can be to those people wanting to apply to the Register. It aims to make the scheme accessible to all, to encourage applications from people from all parts of the community, and to ensure that its policies and procedures do not discriminate.

The Cumbria Choice Scheme operates a policy of not accepting onto the Register those customers who are ineligible due to serious unacceptable behaviour. This action is taken for the following reasons:

- Partner organisations within Cumbria Choice have a responsibility towards their existing tenants to put in place policies that allow them to live in safe and stable communities.
- Cumbria Choice wants to promote through its allocation policy the importance of good tenant behaviour amongst both existing and future tenants.

How decisions on eligibility will be administered:

- Blanket exclusions are unlawful and will not be made: an individual assessment will be made based on the circumstances relevant to each case.
- The partnership will ensure consistency in making decisions.
- Decisions will be authorised by a senior officer.

A customer's eligibility for housing will be considered:

- At the time he or she applies to join the CBL Register.
- Whenever new information may come to the attention of a partner that the person may no longer be eligible under the policy.
- At the point at which he or she is to be considered for an allocation of property.

#### 1 Non-Qualification due to Serious Unacceptable Behaviour

1.1 Part 6 of the Housing Act 1996 as amended by the Homelessness Act 2002 (section 160A (7)) allows the Local Authority to treat a person as a non-qualifying person where:

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

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

1.2 When reaching a decision on whether an applicant is a non-qualifying person Cumbria Choice will be guided by the code of guidance for local authorities 2002 which sets out the 3 steps to consider when making an assessment. Although the 2002 Code has been superseded by new guidance (Allocation of accommodation: guidance for local housing authorities in England 2012) the partners accept it provides a clear

framework on how to apply the test of unacceptable behaviour and therefore have adopted the 3 step test set out:

**Step 1 Is the behaviour unacceptable?**

Behaviour will be regarded as unacceptable if it would have entitled the housing authority to a possession order if the applicant had been a secure tenant. This will be applied whether or not the applicant was actually a secure tenant. The behaviour must relate to the customer or a member of their household. Behaviour that relates to a person who is no longer a member of the household cannot be taken into account e.g. an ex-partner.

**Step 2 Is the unacceptable behaviour serious enough to make the applicant unsuitable as a tenant of the landlord?**

Where there would be entitlement to a possession order the partnership will need to ensure that the behaviour was serious enough to make the person unsuitable to be a tenant of one of the housing organisations in the partnership.

**Step 3 Is the behaviour current or has it improved?**

Unacceptable behaviour will be behaviour at the time the application is considered. Previous unacceptable behaviour may not justify a decision to consider the applicant as unsuitable, if that behaviour can be shown to have improved. Time spent in prison will not be considered as evidence that unacceptable behaviour has ceased.

Where all three steps of the assessment have been satisfied the applicant will be treated as a non-qualifying person.

Each decision will be taken based on the individual circumstances of the case. Where a decision is taken to treat a person as a non-qualifying person to join the register the information will be collated by the officer and passed to a senior officer for authorisation.

**1.3 Identifying Serious Unacceptable Behaviour:**

- Housing records: this will identify the level of action taken by the housing organisation. Letters; Notice seeking Possession; injunctions; intention/actual Court action.
- Note: where possession action was taken and was unsuccessful, then serious anti-social behaviour cannot be assessed as having occurred. (in these cases the customer's application will be assessed for reduced preference)
- Reports obtained from previous or current landlords.
- Reference to information held by other statutory and/or voluntary agencies. This includes information gained from police reports and

where in operation through the information sharing protocol with the Police.

- Customers who have unspent criminal convictions may be treated as ineligible for accommodation where they are guilty of serious offences that would threaten the safety or quiet enjoyment of resident of a local community. The Scheme will liaise with support agencies, the Police and Probation Service to consider the housing options for these applicants, where appropriate. Spent convictions will not be taken into account.

Examples of the type of offences or behaviour that should be considered are:

- Owing significant rent arrears or other housing debt – in most cases it is likely that the debt will be over £1,000.
- The use of dwellings for the cultivation, supply and use of drugs, especially class A drugs.
- Persistent and widespread criminal activity including domestic burglaries and vehicle crime.
- Physical assaults, especially those resulting in physical injury, including domestic violence or abuse.
- Serious damage to property, including dwellings and cars, for example arson attacks and windows being smashed.
- Serious threats of violence and damage, including threats to kill, threats to petrol bomb.
- Serious disorder, in particular associated with groups.
- Very serious and persistent noise nuisance over long periods of time.
- Persistent and offensive verbal abuse, due to a person's race, gender, gender reassignment religion or belief, ethnicity, sexual orientation, disability, age or other factors.
- Applicants who have had action taken against them for racially motivated offences or any other hate crime.
- Applicants who have had action taken against them for homophobic motivated offences.
- Persistent and offensive verbal abuse or threats of violence to staff or the agents of partner organisations in the Cumbria Choice scheme.
- A combination of persistent behaviours, which while low level in themselves, taken together over time have a serious negative impact on the quality of life for individuals and communities.

Evidence required to support an applicant being a non-qualifying person to join the register for reasons of the individual's behaviour/conduct:

- Copy of the Injunction
- Copy of any other Court Order
- Copy of correspondence confirming intention to take further court action after service of Notice seeking possession
- Copy of correspondence to confirm intention to seek possession after service of Notice on an introductory or starter tenancy
- Copy of NTQ if property abandoned by perpetrator whilst in the process of taking legal action to recover possession
- Copy of suspended or outright possession order

- Copy of ASBO
- Case history of serious unacceptable and/or criminal activity, e.g. correspondence, police logs, reports from other statutory or support agencies

Evidence required where an applicant is ineligible due to wilful damage to a partner organisation's property:

- A report detailing the specific damage to the property
- Photographs of the condition of the property
- Details of the cost of the repairs required to reinstate the property

Evidence required where an applicant has been violent or threatened violence to a member of staff or agent of a partner organisation:

- A report detailing the incident along with confirmation that it has been reported to the Police
- Evidence of follow up action, for example an injunction

1.4 Customers who have unspent criminal convictions will be treated a non-qualifying person for accommodation where they are guilty of serious offences that could threaten the safety or quiet enjoyment of residents in a local community. The Scheme will liaise with support agencies, the Police and Probation Service to consider the housing options for these customers, where appropriate. Spent convictions will not be taken into account.

1.5 Where a customer's behaviour is deemed to be unacceptable due to a disability the relevant support agencies will be contacted. A decision will then need to be made as to the level of support someone may need to sustain the tenancy. If the level of support is deemed to be sufficient they will be accepted onto the housing register.

1.6 In situations where the customer has been accepted as priority homeless with a duty to re-house but is excluded from the register – these cases will be dealt with by negotiation between the parties outside the Cumbria Choice Scheme.

1.7 Consideration will be given to a customer making a new application if they are able to demonstrate with evidence, that the behaviour which led to the exclusion has changed and that there are no further incidents of serious unacceptable behaviour. The views of any support agency involved with the customer will be sought.

The onus is on the customer to make a new application and not on the Council to keep any circumstances under review. Customers cannot usually re-apply within 12 months of a previous non-qualifying decision unless there is clear evidence that the issue has now been fully addressed and the partner is satisfied there is no risk of that issue occurring again. All new applications will be dealt with on a case by case basis and applicants may be asked to provide evidence which demonstrates improved behaviour that would not constitute a breach of tenancy regardless of tenure.

- 1.8 Customers that are ineligible or deemed to be non-qualifying to join the Register will be informed of the decision in writing and will be given the full reason for the decision.
- 1.9 Customers will be notified of what they need to do to be able to re-apply and where appropriate, will be given advice on agencies to contact to assist them with this.
- 1.10 Customers will be notified of their right to request a review of the decision.
- 1.11 Where a person is deemed to be non-qualifying due to the serious unacceptable behavior criteria they are able to, when seeking a review, make a case as to whether their circumstances are exceptional and this will be considered under the review. The Partner Council undertaking the review will, as part of the review, also fully consider the Equality Act 2010 and the duties placed upon the Council and will specifically consider:
  - a) Whether the person, or a member of their household that they wish to be housed with them, meets the definition for one or more of the 9 protected characteristics in listed in the Equality Act 2010.
  - b) If the Council agrees that the applicant or a member of their household comes under the definition for a protected characteristic it will fully comply with section 149 of 2010 Equality Act and ensure that it has obtained all relevant information relating to the applicant's protected characteristic and will consider, if the decision were to be made on review that they do not qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with the protected characteristic.
  - c) Any decision on review that the applicant's circumstances are not exceptional and that the applicant does not qualify will be a decision that is a proportionate means of achieving a legitimate aim.

## 7.4 Appendix 4 - Household Type and Property Size

This table provides guidance on the size of home that different types of household can bid for on Cumbria Choice. This is supplemented by the more detailed information which each housing provider places in individual advertisements and in guidance published on the Cumbria Choice website.

Household	Bedsit	1 bed	2 bed	3 bed	4 bed	5+bed					
Single person			D	D							
2 Adults (couple including same sex couples)			D	D							
2 Adults (non couple)			 *	D							
Single 1 child				D							
Single 2 child											
Single 3 Child											
Single 4 or more children											
Couple 1 child								D			
Couple 2 child											
Couple 3 child											
Couple 4 or more children											

**NB** *Households with access to children will not be able to include them as part of the household when looking at eligibility for property size.  
See section 2.1 Households with access to children/joint custody.*

## Key



Number of bedrooms allowed for this household type



Number of bedrooms allowed for this household type, subject to the ages of the children.

Two children under the age of 10 are usually expected to share a bedroom.

Two children of the same sex are usually expected to share a bedroom until they are 16.

Once a child is 16 a separate bedroom is allowed.

D

Allowed by discretion only when stated in the advertisement.

This is most likely to apply in one of the following circumstances:

- There is low demand for the type of property in the location
- There is lack of supply of smaller homes in the location
- A local lettings or s106 policy applies

\*

Some providers may only allow households with children to bid on houses

## 7.5 Appendix 5 - Accessibility Policy

### Section 1

#### What does the Accessibility Policy aim to achieve?

Cumbria's choice based lettings scheme is designed to give people more choice and control and to encourage as many people as possible to access suitable social housing. Whilst the scheme will allow most people to participate fully giving them an equal chance of finding a home of their choice, some people will need additional help to access the scheme. The duty to provide this help falls on partner organisations as service providers under current Equality Act 2010. It is reasonable to expect that some of those in the highest bands are more likely to need additional help because of the circumstances which have resulted in their higher housing need.

Assistance will be provided with the aim of allowing the customer to make their own choices/decisions. It is important that it does not remove the customer's responsibility and power to control the process.

The partner organisation will train all staff dealing with enquiries to make appropriate decisions as to the assistance required and to have the knowledge to direct the customer to the most appropriate places to access support. The aim of all advice and assistance is to give the customer the necessary support to make their own decisions about their housing options.

### Section 2

#### Who may need additional help?

#### **The following are groups who may be more likely to need additional help**

(This is not an exhaustive list and help will be tailored according to need)

- Older people who have difficulties getting out and about or have become isolated
- Those with a physical sensory and mobility disability
- Those who have difficulties reading and understanding written information
- Those with a learning disability or difficulties
- Those with mental ill health
- Those who live a chaotic lifestyle due to such things as: substance misuse, homelessness
- Those not currently at home e.g. in hospital, in the forces, in prison.
- Those where English is not their first language
- Young people and care leavers
- Those with family difficulties e.g. lone parents, teenage parents, low income families, domestic violence
- Those living in remote rural areas
- Gypsies and travellers
- Those who may feel excluded from services.
- Those who have experienced hate crime.

### **Section 3**

#### **What assistance will the members of the partnership provide?**

##### **Awareness of Cumbria Choice**

The partnership will continue to work to publicise Cumbria Choice – its website and contact details of the individual partners. The ways this will be done are detailed below. By using a wide number of means the partnership seeks to ensure all the groups mentioned above can easily be aware of Cumbria Choice as the way of accessing social housing in Cumbria.

##### **Removing barriers to those who may find obtaining and understanding information about available properties and bidding more difficult**

1. The policy is subject to a full Equalities Impact Assessment (EIA) and the EIA will be kept under review.
2. The full allocations policy will be available to anyone on request. Easy to read guides to the system will be sent to all customers wanting to register on the scheme. This would include a summary guide to the Allocation Policy and a guide to using the scheme e.g. how to register an interest in a property. All these guides will be on the website and the web-based virtual guide to using the scheme will be on the website. All scheme guides will be available on request in other formats, where a customer cannot understand or cannot get support to access the service.
3. The advertisements for properties with adaptations will clearly indicate the adaptations which have been made and the people for whom the property may be suitable.
4. All property adverts will make use of picture symbols to identify the facilities in the properties.
5. The partnership believes using the internet to access Cumbria Choice has many advantages and will seek to assist customers to use the internet where possible. However there will also be flexibility to help people who cannot or do not wish to use the internet. Other ways of bidding will be explained clearly to customers. These other methods are:
  - Through telephoning any partner organisation office
  - Automated bidding (i.e. the computer system is set up to place an automatic on properties of a type and location specified by the customer)
  - Ringing the low cost automated telephone line
  - Through sending a text message
  - In person at any partner organisation office
  - Through agreement of the use of proxy bidding
6. All information that goes out to customers at every stage will advise about the availability of assistance and will give contact names and numbers. Customers will be advised that they are able to contact any

partner organisation office to seek help in completing a registration form, to enquire about properties that are being advertised, to place an interest in a property etc.

7. When customers are contacted at the yearly review stage they will again be asked if they require assistance and will be sent contact details.
8. All partner organisation staff will be given training and regular updates about the scheme and the assistance that will be available. They will be informed and supplied with guidance on the questions they need to ask and the options available to customers e.g. proxy bidding, posting of individual adverts.

#### **Section 4**

##### **How we aim to work effectively with other organisations, including the voluntary sector**

- Cumbria choice will maintain a list of stakeholder agencies and will inform them of changes to Cumbria Choice and offer training. They will be supplied with named contact for each partner organisation operating Cumbria Choice in order to resolve any day to day operational difficulties for their clients. Partner's organisations will be sent an update on Cumbria choice a minimum of 2 times a year.
- Organisations will be asked if they wish to receive the weekly newsheet of advertised properties and where they do request this, it will be emailed weekly.
- In the event of a difficulty with Cumbria Choice, issues about a specific customer are best discussed with the named contact at Cumbria Choice, or if necessary by following Cumbria Choice's official complaints procedure. In the case of a more general concern about the operation of Cumbria Choice, the organisation may contact the Cumbria Choice Coordinator Tel: 0300 303 8540 for potential discussion at a Cumbria Choice Board meeting.

#### **Section 5**

##### **How can Cumbria Choice offer customers wider housing options information?**

##### **There are two main ways in which Cumbria Choice will support its customers with housing options advice**

- 1) **It will ensure that customers have access to support from the trained housing officers of the partners who let properties through Cumbria Choice**
- A customer who may have potential difficulties or requiring assistance does not automatically have a high priority for housing and may not be successful in bidding for a property due to high demand.

- Cumbria Choice recognised the importance of helping ensure customers receive appropriate advice to enable him / her to resolve his / her housing situation.
  - Where appropriate housing officers from Cumbria Choice organisations will work in liaison with support workers or family members who provide support to the person. Advice would cover areas such as reviewing their housing situation and requirements in conjunction with more 'realistic bidding' choices, the support available, and where appropriate alternative housing options.
- 2) The Cumbria Choice website will include additional information about alternative housing options and links to further housing advice**
- The site will include information to help customers understand the relative popularity of different properties and will include and links to information about other housing options and sources of housing advice.
  - The scheme will also be used to advertise properties with private landlords and it is intended to increase the number of private properties advertised over time.

## **Section 6**

### **How will we monitor that the Accessibility Policy is working?**

Cumbria Choice Board receives monitoring information on a quarterly basis.

This will include data monitoring by equality groups and will help the Board to identify if any groups appear to be disadvantaged under Cumbria Choice.

Reports will be set up showing the percentage of registrations by Band compared to allocations for groups that may suffer disadvantage under Cumbria Choice.

Length of time to make a successful bid by groups that may suffer disadvantage compared with average time to make a successful bid.

Numbers of those registered but not bidding groups that may suffer disadvantage compared with the average for those registered but not bidding.

The Board will also monitor complaints, appeals and issues raised by stakeholders to identify if any groups are having particular problems with using and accessing housing through Cumbria Choice.

## 7.6 Appendix 6 - Right to Move Qualifying Criteria

To meet the Allocation of Housing (qualification criteria for the Right to Move - England) Regulations 2015, a local connection may not be applied to existing social tenants seeking to transfer from another local authority district in England who:-

- Have reasonable preference under Section 166(3)(e) because of a need to move to the Local Authority's district to avoid hardship, and
- Need to move because the tenant works in the district, or
- Need to move to take up an offer of work

### QUALIFYING CRITERIA

1 This applies to existing social housing tenants:-

- Who need to move within a Local Authority area or to another local authority area to avoid hardship, and
- Who need to move because the tenant works in the district, or
- Who need to move to take up an offer of work.

2 What the Local Authority should take into account:-

#### 2.1 Need to Move:

Tenants must need to move, not simply want to move. Factors to consider in determining `need` are:-

- The distance and/or time taken to travel between home and work.
- Availability and affordability of transport as against earnings.
- Nature of the work and whether similar opportunities are available nearer home.
- Other personal factors, for instance medical conditions, child care
- Length of work contract.
- Would failure to move mean a lost opportunity to improve employment circumstances or prospects?

#### 2.2 Work:

`Work` only qualifies as `work` if it is not:-

- Short term:
  - Consider whether the work is regular or intermittent (particularly relevant for the self-employed).
  - Consider the period of employment – a contract of less than 12 months could be considered short-term.
- Marginal:
  - Less than 16 hours per week could be considered marginal
  - Consider the level of earnings.

- Voluntary:
  - Unpaid, or expenses only.
- Ancillary:
  - That is, if the person works occasionally in another local authority area, but main place of work is a different area, the work is excluded.

### 2.3 Verification and Evidence

The tenant must be able demonstrate that he/she has a genuine job offer and that he/she has a genuine intention to take it up.

Appropriate evidence could include:-

- A formal offer letter.
- A contract of employment.
- Wage/salary slips covering a certain period, or bank statements (zero hour contracts).
- Tax and benefits information, for example proof of receipt of working tax credit.



### **MOVE ON FROM SUPPORTED ACCOMMODATION FORM**

#### Guidance for Officers recommending move on

- This form should only be completed when the applicant is ready to move on and has spent a minimum of 6 months in supported accommodation.
- Incomplete forms will be returned.
- Should an offer of property be made the tenancy commencement date will be specified by the landlord.
- Some landlords ask for rent in advance.
- Most properties are unfurnished and do not include white goods or carpets.
- Where an applicant is guilty of serious antisocial behaviour and/or rent arrears the Cumbria Choice policy on eligibility will be applied.
- Upon receipt of the completed form the administering organisation will carry out an assessment to determine if a higher band should apply.

**Applicant:**

Last Name	First Name	DOB	Former Name(s)	NI Number	Cumbria Choice Ref

Current Address	
Landlord	
Tenure type	
Commencement Date	

**Household Members:**

Last Name	First Name	DOB	Relationship to first member	Currently living with Applicant (Y?N)

Communication needs (language, disability – please specify)	
---	--

## Current Tenancy

Areas of work included in support plan	
Rent record (rent statement is required)	
Tenancy record (include details of incidents of anti-social behaviour)	
Standard (cleanliness, tidiness)	
Notices served if any (include dates and reasons why)	
Reasons why you consider this applicant ready for move on	
Is tenancy support in place? Please give details of support package and provider	
Any further comments	

Is the applicant employed or does the applicant undertake any unpaid voluntary work?  
If yes, please provide details below

--

Please provide details why the applicant is currently in supported housing

--

### Previous Tenancy

Previous tenancy address	
Tenure type	
Landlord	
Commencement Date	
Termination Date	

**History - applicable to applicant or any household member:**

Issue	Brief details
Evicted by former landlord or other in previous five years?	
Notice of Seeking Possession (NOSP) issued in previous two years?	
Anti-social behaviour or offensive discriminatory language issues	
Rent arrears history: outstanding arrears, breach of repayment agreement	
Property damage	
Violence towards staff	
Undischarged high-risk criminal offences (violent crime, arson, sexual offences or abuse)	
Other, further notes	

**Risk assessment summary:**

Risk to whom?	Low	Medium	High	Additional Information
Risk to others				
Risk to self				
Other risks				

**Is Tenancy Support required?**

Yes

No

If 'yes' is tenancy support in place? Please give details of support package and provider.

--	--

Is the applicant currently on probation or has the applicant or any household member been charged with any offences yet to be dealt with by the Courts? If yes, please provide details below:

--

**Has the applicant been advised some landlords require rent in advance?**

Yes

No

**Has the applicant agreed to the disclosure of information between agencies?**

Yes

No

**The information I have given on this form is accurate to the best of my knowledge and belief**

**Signed:**

.....

**Print name:**

**(Officer making recommendation)**

.....

**Phone:**

.....

**Email:**

.....

**Date:**

.....

**Rent statement enclosed**

Yes

No

**Letters from Support Agencies enclosed**

Yes

No

## 7.8 Appendix 8 - Supported Housing Providers

Allerdale	Turning Point
Allerdale	Sandstones/Richmond Fellowship
Allerdale	Richmond Fellowship
Allerdale	Stonham (Home Group)
Barrow	Impact
Barrow	Stonham (Home Group)
Barrow	Sanctuary
Barrow	Fairoak
Barrow	Accent
Carlisle	Turning Point
Carlisle	Cumbria Gateway
Carlisle	Impact
Copeland	Whitehaven Community Trust
Copeland	Stonham (Home Group)
Copeland	Carr Gomm
Copeland	Richmond Fellowship
Copeland	Creative Support
Copeland	Time to Change
Eden	Turning Point
Eden	Impact
Eden	Stonham (Home Group)
Eden	Richmond Fellowship
South Lakeland	Stonham (Home Group)
South Lakeland	South Lakes Housing
South Lakeland	Santuary
South Lakeland	Impact
South Lakeland	Turning Point
South Lakeland	Springfield

## 7.9 Appendix 9

### **Applicants Subject to Bankruptcy or Debt Relief Orders (DRO)**

Applicants who are subject to either a bankruptcy order or debt relief order which includes housing related debt of over £1000 will be deemed ineligible until this debt is written off at the end of their 'moratorium period'.

Applicants who are subject to either a bankruptcy order or debt relief order over £500 but less than £1000 will be placed in Band E until their debt is discharged at the end of the moratorium period. Once the debt is discharged and proof of this has been provided by the customer they can be re-banded accordingly.

The 'moratorium period' means that 'creditors cannot take any action to recover or enforce their debts against you during this period. The moratorium usually lasts for 12 months from the date of the order, although there may be exceptions, and after that time the listed debts will be discharged' (Government Guidance on DRO's).

Once a DRO has been granted the insolvency practitioner will notify all the creditors included and advise that further payments against the debt cannot be made. For those who have applied for bankruptcy debts are discharged once they have been dealt with by the appointed insolvency practitioner.

In addition, transfer applicants (those already a current tenant with a partnership organisation) who are subject to either a bankruptcy order or debt relief order which includes housing related debt of over £1000 will be deemed ineligible for a transfer until the debt is written off at the end of their moratorium period.

Until the debt is discharged the order can be effectively cancelled or annulled in the case of bankruptcy and DRO's and the debts written back on. In summary, the debts are treated as 'live' until they are written off or discharged at the end of the moratorium period.

## 7.10 Appendix 10

### **How Local Letting Policies will be applied to the Cumbria Choice Scheme**

Local Letting Initiatives will be developed to meet the particular needs of a local area across the 6 partner districts addressing sustainability and community issues in defined areas to ensure that the housing allocation scheme is able to contribute to building sustainable communities.

They will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development, or may be applied to a parish or a village in a rural area). Each local letting initiative will be based on a detailed analysis of relevant information gathered from a variety of sources and may include for example evidence from internal departments, partner Registered Providers (Housing Associations), local Councillors, and the community itself. (Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, or the need to provide housing for local people in rural villages and parishes). All local lettings initiatives will be equality impact assessed.

The following are examples of local letting policies that may be deployed under the Common Allocation Policy. The list is for illustrative purposes and is not exhaustive.

- Age restrictions.
- Policies that are geared towards encouraging applicants who work or volunteer to live in an area where for example there may be an area, or street with high numbers of working age households not in work.
- Prioritising applicants who are key workers as defined by the Council.
- Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
- Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
- Disregarding household type or property matching rules to allow for example under-occupation to reduce child density or to account for future family growth.
- Ensuring that there is a balance of working and non-working households allocated to a new build scheme.

How will a local letting policy be assessed and agreed?

The Partner Council and the Housing Association Partners to the common allocation policy for that district may agree the villages, parishes, estates, blocks or streets where a local letting policy may be appropriate and why.

There must be a clear evidence base for adopting a local letting policy.

Where a local letting policy is proposed to be applied to a particular registered provider estate or area or block the local lettings policy will be agreed by the partner local authority and that registered provider.

Agreement as to whether a local letting policy is appropriate will be based on the following test:

1. That there is a clear definition of the objective to be achieved by that particular local letting policy
2. That there is a clear evidence base to back up the need for a local letting policy.
3. That an equality impact assessment will be carried out
4. How long the local lettings policy is intended to operate
5. When the policy should be reviewed

A written record of each policy adopted or rejected should be kept.

It is the intention that local letting policies will be fluid with new policies being added as are required and existing policies being deleted once the objective for that policy has been met.

All current local letting policies will be listed by district on the website so the public can see which policies are in operation at any point in time.

## 7.11 Appendix 11

### **Disability and Medical Needs Assessment Procedure and Criteria**

Should an applicant indicate that their current housing conditions are causing serious ill health or exacerbate an existing condition this will trigger a medical needs assessment.

The assessment will be carried out by the officer with responsibility for undertaking medical need assessments within the partner organisation managing the application.

In all cases a fully completed medical questionnaire is required and in some cases where further clarification is required the assessment officer may request more information from the applicant.

The 4 stage assessment of medical priority process would be:

- 1 Is the medical condition serious enough for a priority award to be considered?
- 2 If the medical condition is serious enough for a priority award to be considered, the next stage is for the assessment officer to decide if there is a direct link between the identified medical problem and the applicant's current housing accommodation/situation i.e. Is the applicant's current housing accommodation/circumstances making the medical condition substantially worse or will it make it worst?
- 3 If the assessment officer agrees this to be the case, they will next need to be satisfied that there a realistic expectation that the identified medical condition would improve if alternative, more suitable accommodation was made available.
- 4 If the answer is yes, the final question will be whether to award Band A or Band C based on the severity of their medical condition and housing need.

#### **Additional Preference - Band A**

A customer who has an urgent need to move for medical/disability reasons which are being exacerbated by their current housing situation will be awarded Band A. This would include people whose safety is at risk due to their current housing or who are completely housebound because of the type of accommodation they live in.

See section 4 of the Allocation Policy for the full definition used to award medical priority and examples of cases that would qualify for Band A priority.

#### **Reasonable Preference Band C**

A customer whose housing is unsuitable for medical/disability reasons and is directly contributing to their ill health but they are not housebound or their safety is not at risk due to their current housing will be awarded Band C.

See section 4 of the Allocation Policy for the full definition used to award medical priority and examples of cases that would qualify for Band C priority.

In some cases, for the purpose of clarification, the assessment officer or senior officer will refer the case for an independent medical assessment by the medical consultant commissioned by the Partnership.

Medical priority will only apply for properties that are deemed suitable, to meet their medical need or are reasonably capable of being adapted at a reasonable cost.

Although this is a common allocation policy individual partners will apply their own rules as to whether to accept a bid from an applicant where adaptations to the property are required. All local rules will need to be equality impact assessed for fairness and flexibility.

Following a medical needs assessment the customer will be notified of the outcome, the reason for the decision and their right to a review.

The assessment officer must record on the system how the decision was reached by applying the medical assessment criteria.

## 7.12 Appendix 12

### Person(s) Who Will Take Specific Decisions

CC Project Board	<b>Para 1.1, page 7 &amp; Para 7.5 (Appendix 5), page 69</b> Ensure compliance with equality legislation and undertake and keep under review an Equality Impact Assessment.
CC Project Board	<b>Para 1.3, page 8</b> Set and monitor achievement of targets agreed for increasing mobility, including targets under the Right to Move.
CC Co-ordinator & Project Board	<b>Para 1.8, page 11</b> Monitoring the operation of the policy.
Assessment Officer	<b>Para 2.1, page 13</b> Ineligible because of immigration rules.
Assessment Officer	<b>Para 2.1, page 14</b> Ineligible because the applicant has the capacity to buy a home.
Senior Officer	Whether to offer a tenancy to a 16/17 year old.
Senior Officer	<b>Para 2.1, page 14-15 &amp; Para 7.3 (Appendix 3), page 62</b> Ineligible because of serious unacceptable behaviour.
Assessment Officer	<b>Para 2.1, page 15</b> Deciding whether a child is or could be part of the household.
Assessment Officer	<b>Para 2.2, page 15-16</b> Deciding on the cancellation of an incomplete application.
Assessment Officer	<b>Para 2.3, page 16</b> Deciding whether references confirm eligibility to register.
Senior Officer	<b>Para 2.4, page 16-17</b> Ineligible because of criminal convictions
Assessment Officer	<b>Para 2.8, page 18</b> Cancelling an application following failure to respond to an annual review.
Senior Officer	<b>Para 2.9, page 18</b> Knowingly or recklessly giving a false statement or withholding information.

Senior Officer	<b>Para 2.10, page 19</b> Deliberate worsening of the applicant's own circumstances in order to increase their priority.
Local Authority (LA)	<b>Para 3.1, pages 20-28</b> Band A - homeless households owed a full duty.
Assessment Officer	Band A – exceptional need to move because of medical condition or disability.
Senior Officer	Band A - exceptional need to move. If domestic violence is the reason and applicant is not an existing tenant of any of the CC partners.
Assessment Officer via LA	Band A - excessive overcrowding.
Assessment Officer via LA	Band A – property condition.
Assessment Officer	Band B – cumulative preference
Assessment Officer	Band B – welfare grounds
Local Authority	Band B – homeless prevention status
Assessment Officer	Band B – under-occupation.
Local Authority	Band C – non-priority homeless
Local Authority	Band C – homeless prevention option being chosen
Assessment Officer	Band C – medical.
Senior Officer	Band C – hardship.
Assessment Officer	Band C – overcrowded.
Assessment Officer via LA	Band C – property condition.
Assessment Officer	Band C – under-occupation.
Assessment Officer	Band C – Armed Forces.
Assessment Officer	Band D – no reasonable preference status.
Assessment Officer	Band E – reduced priority for an allocation due to behaviour, arrears, condition of property, no local connection, etc.

Senior Officer	<b>Para 3.3, page 28-29</b> Management discretion for a direct offer of housing.
Local Authority	<b>Para 3.4, page 29-30</b> Making proxy bids on behalf of a homeless household.
Senior Officer	<b>Para 3.6, page 31</b> Deciding whether to and where to rehouse an applicant who has been deemed a serious offender and who is subject to Public Protection protocols.
Assessment Officer	<b>Para 3.8, page 32</b> Deciding on the relative eligibility of Armed Forces applicants or their relatives for the respective bands, A or C.
Assessment Officer	<b>Para 4.4, pages 37 – 41</b> Applicants requiring a risk assessment before being rehoused, e.g. Band B's moving on from supported housing.
Assessment Officer	<b>Para 5.1, page 49</b> Deciding any restrictions on bidding and any particular criteria that apply.
Local Authority With RP partners	<b>Para 5.4, page 50</b> Agreeing a quota system, if deemed appropriate.
Assessment Officer	<b>Para 5.7, page 51</b> Selecting the prospective offeree from a shortlist.
Assessment Officer	<b>Para 5.8, page 51-52</b> Decisions on local connection.
Assessment Officer	<b>Para 5.10, page 53</b> Further verification of applicant eligibility and priority before being made the offer of a tenancy.
Assessment Officer	May include an offer not being made because the applicant is ineligible due to, for example, unacceptable behaviour or a housing debt, or because the application has been incorrectly assessed, or because the applicant's circumstances have changed or because there is a good housing management reason not to make the offer.
Assessment Officer	<b>Para 5.11, page 53-54</b> Refusing 2 offers of accommodation or failing to reply to an offer.

Local Authority Homeless households refusing suitable offers of accommodation.

**Paras 6.1 - 6.13, pages 56 - 57**

Review of decisions:

Assessment Officer Initial, informal, review of decision

Senior Officer Further, formal, review of decision

CC Review Panel Further review of the original decision at the first formal review

**Para 7.5 (Appendix 5), page 69**

CC Project Board Deciding on and keeping under review the Equality Impact Assessment (EIA)