

# WEST LANCASHIRE BOROUGH COUNCIL

## HOUSING ALLOCATIONS POLICY



October 2018

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## **1.0 Introduction**

- 1.1 This document sets out West Lancashire Borough Council's Housing Allocations Policy and contains the priorities and procedures for allocating Council homes and nominations to Private Registered Providers of Social Housing in the borough.
- 1.2 The Allocations Policy takes into account all legal requirements outlined in the Housing Act 1996, Part VI and amendments made under the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017.
- 1.3 The Director of Housing & Inclusion has the delegated authority to make amendments to this policy where there have been legislative changes.
- 1.4 This current version came into effect on the 24 October 2018.

## **2.0 Aims & Objectives**

- 2.1 The Policy aims to:
  - Discharge the Council's statutory duties as contained in Part VI and VII of the Housing Act 1996, as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017.
  - Offer customers information to enable them to make informed choices about their housing options.
  - To provide an easy to understand, fair and transparent system.
  - Make the most effective use of the local housing stock.
  - Ensure and promote equality of opportunity.
  - Promote sustainable tenancies and communities.

## **3.0 Principles of the Allocation Scheme**

- 3.1 The Council is committed to the provision of a customer focussed and equitable allocations scheme in accordance with the following general principles:
  - All those seeking an allocation of social housing from the authority (or its partner Private Registered Providers), must apply to join the housing register.
  - All applicants aged 18 or over who are eligible will be allowed to join the scheme unless they are disqualified.
  - Applicants for social housing are assessed in terms of their housing needs and are banded accordingly.
  - Allocations will be made on the basis of the applicant's priority band and within each band on the basis of any economic or community contribution and the date the level of priority was awarded.

- In the designated local connection areas applicants who have a local connection with a particular housing area will be given preference for an allocation in that area over applicants with the same level of housing need i.e. in the same band, who do not have a local connection.
- Applicants will be given choice and may express their preferences with regards to areas of choice.
- Nominations for allocations by partner Private Registered Providers will be made on the same basis as for the letting of Council accommodation.
- Accommodation is allocated in accordance with the guidelines on household types, property size and type of property.

#### **4.0 Scope of Policy**

4.1 This Policy applies to all applications for:

- An allocation of Council accommodation.
- A transfer of accommodation from existing Council tenants or tenants of other social landlords.
- Nominations to Private Registered Providers.

#### **5.0 Allocations excluded from the scheme**

5.1 The following in particular are excluded from the allocations scheme:

- Mutual Exchanges.
- Succession or assignment of tenancy.
- Tenancies granted or disposed of by a court order made under the Matrimonial Causes Act 1973; Matrimonial and Family Proceedings Act 1984, the Children Act 1989 or the Civil Partnership Act 2004.
- Where an introductory tenancy becomes a secure tenancy.
- Other special cases where it may be necessary for the authority to make an allocation outside the terms of the scheme.

#### **6.0 Equality of Opportunity in Housing**

6.1 We aim to make every effort to ensure that all sectors of the community have equal access to services offered by the Council. No person will be treated less favourably on the grounds of Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and Sexual Orientation.

#### **7.0 Policy on Choice**

7.1 The Council is committed to offering applicants a choice of accommodation and allowing them to express their preferences, through

West Lancs HomeFinder, its choice based letting scheme. However, the Council may not be able to meet all requests due to the level of demand or availability of accommodation. Applicants will therefore be given advice and information to help them understand their options and make informed choices.

- 7.2 All vacant properties will be advertised and applicants are required to actively seek and 'bid' for properties in which they are interested. Applicants would only be considered for a property if it was a suitable size and type for their household. Applicants expressing an interest in a particular property will be shortlisted and the applicant with the highest priority (in the highest band for longest) will be made the offer and invited to view the property.

## **8.0 The HomeFinder Scheme**

- 8.1 Advertising.  
Properties which are empty or due to become empty will be openly advertised daily on a 6 day cycle, at [www.westlancshomefinder.co.uk](http://www.westlancshomefinder.co.uk). The scheme extends to include accredited private landlords, and Private Registered Provider vacancies.

- 8.2 Description.  
Adverts will include the following information about the property:

- The location including street name.
- Size and type of property.
- Weekly rent and service charges.
- Type of heating.
- If there is a garden and whether this is communal.
- Details of any disabled adaptations.
- Availability of a lift.
- Parking facilities.

- 8.3 Labelling.  
Adverts will also detail who is eligible to bid for a property i.e.:

- Size and type of household that the property is suitable for.
- Any restrictions on age e.g. over 40s only.
- Whether it is sheltered accommodation.
- If pets allowed.
- If preference is given to applicants with a local connection to the village.

Properties will be advertised daily, with each advert running for 6 days.

- 8.4 Expressions of Interest.

Applicants will be able to express their interest (bid) on a property in a number of ways:

- Via the West Lancs HomeFinder website.
- By automated telephone line.

All applicants on the housing register can bid on a maximum of 3 properties at any one time. Applicants who have already accepted an offer of a property will be ineligible to bid.

#### 8.5 Direct Lets.

Whilst the Council aims to allocate all its empty properties via the CBL scheme, it reserves the right to direct match applicants to properties in exceptional circumstances, these would include:

- Public protection cases.
- Successor tenants or those left in possession of a West Lancashire Council property.
- Temporary or permanent decants.
- Properties that have been significantly adapted.
- Temporary accommodation.
- Extra Care Sheltered accommodation.
- Where a local lettings policy applies e.g. new build accommodation (see 23.2).

#### 8.6 Available Now Properties.

The Council will be more flexible in its approach to allocating properties where the normal advertising system has failed to identify a suitable tenant. These 'Available Now' properties are let on a first come first served basis, irrespective of an applicant's band or bedroom requirements. However in cases where we receive more than one expression of interest, consideration will then be given to applicants banding and best use of housing stock.

Expressions of interest may also be considered from those applicants who may not normally be considered eligible, e.g. elderly owner occupiers who are interested in moving to an Available Now Sheltered Property.

This means that couples without children or with grown up children who would normally not qualify would be able to be considered for a house. Applicants still need to be registered and approved on the housing register as normal.

An 'Available Now' property is any property that has been advertised via HomeFinder and either received no bids or where refusals have resulted in an empty shortlist. Before designating as 'available now' the property will have been made available for bidding to all applicants who would be eligible for the property type e.g. a 3 bed house would have been made open to all applicants eligible for 2 or 3 bed houses.

Available now properties are advertised on the HomeFinder website as normal. Applicants can express an interest by emailing the contact details on the individual advert.

#### 8.7 Feedback.

Information on all the properties let through the CBL system will be provided on the West Lancs HomeFinder website. This will include the following information:

- Lettings results – property type and neighbourhood
- The total number of bids made for the property
- The successful customer's band and effective date

#### 8.8 Offers.

Applicants will be notified of an offer email. As many of the Council's vacancies will be advertised prior to the outgoing tenant leaving, they may not be ready to view for a few weeks. In cases where the property is not empty, an offer will be made on a provisional basis only and may need to be withdrawn.

The Allocations Team will be able to provide an estimate of when the property is likely to be ready for occupation.

Where the first applicant refuses an offer of accommodation, the Lettings Officer will go to the next highest banded applicant and so on.

#### 8.9 Viewing.

Applicants are given the opportunity to view any property offered to them with an officer from the Allocations Team. Following the viewing, the applicant is expected to decide whether they wish to accept the tenancy.

In situations where a property is advertised and no bids are received, it will be re-advertised in the next cycle with the bidding opened up to applicants who satisfy the lettings criteria for smaller properties, usually one bedroom less.

Choice will also be increased by allowing households with children of any age to apply for any property type they wish, including above ground floor flat or maisonette accommodation.

#### 8.10 Rent in advance.

We will always request rent in advance even if the tenant intends to or is currently claiming housing benefit or housing cost support through Universal Credit.

\*The agreed advance payment is the payment pattern that the tenant agrees to e.g.:

- Weekly = 1 weeks full rent

- Fortnightly = 2 weeks full rent
- 4 Weekly = 4 weeks full rent
- Monthly

Applicants will be expected to put money aside to ensure they can meet the rent in advance payment. Offers will be withdrawn if an applicant is unable to make an advance payment on day of the tenancy sign up. All new tenants will need a bank account as the rent in advance payment can only be taken from a debit or credit card.

## **9.0 Offering Choice to Homeless Applicants**

- 9.1 Applicants assessed as being owed a homelessness prevention or relief duty or those where a statutory decision has been issued finding them to be unintentionally homeless and in priority need and owed the 'main housing duty', are expected to actively make bids against suitable properties.

Bidding patterns will be monitored on a weekly basis. In situations where bids are not being made or all bids are against unobtainable properties, the Homelessness Officer will place bids on the applicant's behalf. The Council's duty will be discharged through the first successful bid.

- 9.2 Consideration will be given to any representations made by the applicant as regards the suitability of certain locations. Areas will not be regarded as suitable if evidence confirms that the area is unsuitable due to the applicant being at risk of violence, threats of violence or harassment if they resided in that area.

## **10.0 Application Process**

- 10.1 Any eligible person aged 18 or over who is not disqualified can join the housing register.

Applications should be made by completing an online application at [www.westlancshomefinder.co.uk](http://www.westlancshomefinder.co.uk)

Some applicants will require advice and assistance to complete the application form because English may not be their first language, they may have learning or reading difficulties etc. In such cases Housing Options Advisors will provide advice and assistance and will, if necessary, complete the form on behalf of an applicant. Applicants can contact the team direct on Tel: 01695 585267.

Applicants will need to supply proof of identification e.g. a picture driving licence or passport and a reference which must be from their current or previous landlord (where this is not possible from an employer or other professional). Supporting documentation can be sent to

[myhousingapplication@westlancs.gov.uk](mailto:myhousingapplication@westlancs.gov.uk) ensuring the email contains the applicants name, address and Home finder reference number. Alternatively documents can be handed in at the Council's Customer Service Points in Skelmersdale or Ormskirk.

Existing Council tenants are not required to supply a reference.

The fact that a person is an applicant for an allocation of housing accommodation shall not be divulged (without their consent) to any other member of the public.

#### 10.2 The registration process will involve:

- Checking if the applicant is eligible, that the information given is correct and, if necessary, recommending that an application should not be considered for an allocation.
- Assessing if the household is in housing need and placing the application in a priority band.
- Verifying information from references with current or former landlords and others. Information will be requested about current or former tenant arrears, payment history, current or previous anti-social activity and any rechargeable repair debts. Credit checks will also be carried out. Police checks may be carried out where there are grounds to do so e.g. the applicant has spent time in prison or is unable to account for any previous addresses.
- Interviewing the applicant where necessary.
- Affordability Assessment.

All applicants will be expected to provide up to date information and appropriate supporting evidence regarding their finances at the point of application, including their income and expenditure and details of any current savings or debts. Failure to provide this will lead to the application being rejected. An affordability assessment will be carried out with all applicants for housing. Where the affordability assessment indicates that the property is not affordable, taking benefit entitlements into account, the application will be rejected. Advice will be given to all applicants regarding the prevailing government policies regarding housing and future benefit entitlement and how it could impact upon them as a household.

#### 10.3 False Statements.

Section 171 of the Housing Act 1996 makes it a criminal offence for anyone seeking assistance from a housing authority under Part 6 of the Act to:

- a) Knowingly or recklessly give false information; or
- b) Knowingly withhold information, which the housing authority has reasonably required the applicant to give.

A person guilty of an offence under this section is liable on summary conviction in a magistrates court to a fine not exceeding level 5 on the standard scale (currently £5,000).

The circumstances in which an offence is committed could include:

- a) Any false information given on an application form for social housing.
- b) Any false information given during an interview.
- c) Any false information given in response to subsequent review letters or other updating mechanisms; or
- d) Any false information given or submitted by applicants during the proceedings of a review.

Ground 5 in Schedule 2 to the 1985 Housing Act (as amended by the 1996 Act s.146) enables a housing authority to seek possession of a tenancy which they have granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

## **11.0 Applicants Under 18**

11.1 If an applicant is under 18 years of age, their application will normally not be accepted onto the housing register. We will make exceptions in the following circumstances:

- Any person leaving Local Authority care or Young people, who have previously been in care and are covered by the Leaving Care Act 2002.
- Any person accepted as statutorily homeless (if they cease to be homeless they will become ineligible for the housing register until they reach the age of 18).

Under 18's will only be considered for a tenancy on the condition that they accept a referral to a support provider to ensure that the tenancy does not fail.

A person under the age of 18 is not able to hold a legal estate in land so they will therefore require a Trustee to hold the tenancy in trust for them until the young person reaches the age of 18 when they will be given an Introductory Tenancy in line with Council policy. Any contract entered into will allow the Council to recover any unpaid rent through the courts in the normal way. This can also mean that the Council may seek an order for possession from the courts.

In cases where the decision is not to offer a tenancy, a referral for support accommodation may be considered.

11.2 Pre Tenancy Support under 25's

In situations where the Council considers that a young person may be eligible to join the housing register, it may delay accepting the application until the applicant has undertaken a course of pre tenancy support or training. Only once the support provider recommends that the young person is ready to accept the responsibilities of holding a tenancy would the application be made active to bid.

## **12.0 Eligibility**

12.1 Not all applicants applying to join the housing allocation scheme are eligible to join. Section 160Z(A) of the Housing Act 1996 (as amended by The Localism Act 2011) sets out who is not eligible to be allocated housing:

- a) Persons subject to immigration control - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)); and
- b) Other persons from abroad other than a person subject to immigration control regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

Where an applicant is already an existing secure, introductory or assured tenant of accommodation allocated to him or her by a local housing authority or Registered Social Landlord, he or she cannot be disqualified on the basis of his or her immigration status.

12.2 Persons Subject to Immigration Control & Persons from Abroad.

Where an applicant is a person from abroad, their application will be assessed to determine whether they are eligible under the relevant legislation and guidance.

Each applicant will be provided with written reasons if they are assessed as being ineligible for an allocation of accommodation and will have the right to seek a review of that decision (see Appendix 4).

If any question arises which brings into question the eligibility of an applicant to join the housing register and obtain an allocation of housing accommodation, the authority reserves the right to seek further information and clarification, including from the UK Border Agency.

Applicant's eligibility will be reassessed prior to any offer of accommodation as well as at the initial point of application.

12.3 Qualification.

Housing Authorities may only allocate accommodation to people who are defined as 'qualifying persons'. Subject to the requirement not to allocate from persons from abroad who are ineligible and to any regulations, a housing authority may decide the classes of people who are, or are not, qualifying persons.

#### 12.4 Applicants will not be considered qualifying persons if:

##### A. Unacceptable behaviour.

If an applicant or a member of his/her household is found to have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant and, in the circumstances at the time the application is considered, they are still deemed unsuitable to be a tenant of the Authority by reason of that behaviour, they will not be a qualifying person.

Unacceptable behaviour is defined as behaviour which would, if the person was either a secure tenant or a member of a secure tenant's household, entitle a landlord to a possession order under grounds 1 to 7 of the Housing Act 1985 Schedule 2. The grounds are:

- Ground 1 Rent arrears or breach of tenancy.
- Ground 2 Behaviour which is a nuisance or annoyance to those in the locality of the dwelling or conviction for using the dwelling for immoral/illegal purposes or committing an indictable offence in or in the locality of the dwelling house.
- Ground 2A Domestic violence causing a partner or other family member to leave the property.
- Ground 3 Deterioration of the dwelling house due to waste, neglect or default.
- Ground 4 Deterioration of furniture provided by the landlord due to ill-treatment.
- Ground 5 Tenancy induced by false statement.
- Ground 6 Premium received or paid in connection with a mutual exchange.
- Ground 7 Eviction from a dwelling within the curtilage of a building held for non-housing purposes due to conduct such that given the nature of the building it would not be right for occupation to continue.

The position in relation to rent arrears and anti-social behaviour specifically is considered below.

The Council will:

- Investigate the individual circumstances of an applicant's case to establish if there is evidence of unacceptable behaviour that would fall under grounds 1 to 7 above.

- Establish whether the unacceptable behaviour is considered to be serious and whether it is likely that a possession order would have been granted as a result of that behaviour.
- Decide if the applicant is unsuitable to be a tenant by reason of their behaviour at the time the application is considered, taking into account whether there have been any changes in the circumstances or behaviour of the applicant.

Where the Council is satisfied that these criteria are met, the applicant will not qualify for an allocation and therefore be excluded from the housing register. This exclusion will be in place for a period of 2 years.

When making the assessment, the Council will act reasonably and will consider all relevant matters regarding health, dependants, social or other factors. Regard will also be given to the wider interests of the public.

Where the Council regards the behaviour as unacceptable but considers that the applicant should not be classed as non-qualifying, the Council may decide to accept the application but place it in Band E (reduced priority) even if the application would normally attract a higher band.

Each applicant will be provided with written reasons if they are assessed as being non-qualifying and will have the right to seek a review of that decision. The applicant will also have the right to ask the Council to review their case at any time during the exclusion period if they feel that there has been such an improvement in their behaviour that they should no longer be considered to be unsuitable.

Where the applicant has been excluded for 2 years and makes a further application, but there has been no improvement in their behaviour and the conditions for finding them unacceptable to be a tenant remain, the applicant can be excluded for a further 2 years (subject to the same review process as above).

## 12.5 Rent Arrears and other housing related debt.

The accrual of rent arrears will be considered serious where:

- a) An applicant owes rent from a previous tenancy, which resulted in a possession order being granted; or
- b) The applicant has current rent arrears serious enough for a court to grant an outright possession order

Where the conditions of either (a) or (b) above have been met, the Council may decide that the applicant is not a qualifying person.

Where there are insufficient grounds to determine that an applicant is not a qualifying person, the application to join the housing allocation scheme

will be suspended until the debt has been cleared. Each case will be considered on its own merits taking into account the level of debt, reasons for the arrears and steps taken to resolve the problem. Suspension would not normally be lifted until the debt has been reduced by 50% and regular payments made for 3 months.

Applicants owing more than £500, will not be accepted onto the housing register. Any applicant found to have this level of arrears outstanding will have his or her application cancelled. The applicant will be able to re-apply once the arrears have been reduced to under £250 and regular agreed payments have been made for 3-months.

An applicant can make payments of arrears on a weekly or monthly basis and there is no minimum payment. The Council will usually look for the minimum payment to be the level of direct payment if the applicant is on state benefits or a reasonable amount if they are working.

If payments are made for the required time, the application will be approved in the relevant band even if arrears are still outstanding however, the applicant must continue to reduce the debt until it is cleared in full.

The account will be monitored and should payments stop, the application will be cancelled. The arrears must then be cleared in full before another application will be accepted.

Each case will be assessed on its own merit and the Tenancy Services Manager has the discretion to approve applications with rent arrears and award the relevant band where there are exceptional circumstances. This will include, but will not be limited to, those current tenants of the Council who under-occupy a tenancy and have accrued arrears as a direct result of the changes in Housing Benefit Regulations under Welfare Reform.

Applicants who have been assessed as being unintentionally homeless and in priority need, or have been placed in Band C under homeless prevention, will be considered for an allocation despite any rent arrears. An agreement to pay will still be required.

## 12.6 Anti-Social Behaviour.

Anti-social behaviour includes conduct likely to cause nuisance and annoyance, harassment, violence or intimidation to others or the use of property for illegal or immoral purposes.

This behaviour will be considered serious where the evidence is such that it would entitle the authority to obtain a possession order from a court.

Any applicants found to be not qualifying on such grounds will normally be advised that they will not be considered qualifying for an allocation of housing until they have conducted themselves appropriately for a period of 2 years following the last unacceptable incident. However, each individual application will be considered on its merits in terms of the length of time the applicant will be ineligible.

Where there are insufficient grounds to determine that an applicant is ineligible for an allocation, the application to join the housing register will be accepted but not awarded any priority until the Council considers that the behaviour of the applicant has improved.

The same procedure will be applied to applicants who have been guilty of unacceptable behaviour under any of the other grounds (2A to 7 see above paragraph 12.10).

Criminal convictions - Applicants will be required to complete the declaration on the application form setting out any criminal convictions, ASBOs or any other type of injunction that relate to the applicant or any person listed on the application. Failure to disclose such information or update the Council in relation to any new convictions may result in the application being cancelled.

The Council may conclude that an applicant with convictions is eligible to join the register but choose to limit the areas or types of accommodation that an applicant may express an interest in.

#### 12.7 B. Damage/Neglect of Council Property

Current Council Tenants who have not maintained their property in accordance with the terms of their tenancy will be considered to be not qualifying, and will be required to make good any damage before qualifying for inclusion on the Register.

#### 12.8 C. Rechargeable Repair debt

Former tenants who owe the Council a debt relating to damage clearance or unauthorized alterations to a Council property. Applications will be suspended until the debt has been cleared. Each case will be considered on its own merit taking into account the level of debt, reasons for the recharge and steps taken to resolve the problem. Suspension would not normally be lifted until the debt has been reduced by 50% and regular payments made for 3 months.

In cases where an applicant has a debt in excess of £500 or is as a result of wilful damage or neglect of a property, they will be treated as not being qualifying persons; therefore an application to join the housing register will not be accepted.

## 12.9 D. Right to Buy

Those who previously purchased a property through the Right to Buy scheme in West Lancashire, or elsewhere within the last 10 years will not qualify, unless they are applying for sheltered housing.

## 12.10 E. Owner Occupiers

In line with government guidance, the Council will not allocate housing to people who already own their own homes. Exceptions would apply to elderly owner occupiers who need sheltered accommodation and whose home/assets were not of sufficient value to secure such accommodation privately; those fleeing violence or suffering significant financial hardship or other exceptional circumstances. Where the Council agrees to assist with re-housing, the applicant must not sell their home before they have accepted an offer of accommodation. However, they must agree to sell the property as soon as they have been re-housed and not rent out their home or make any financial gain whilst waiting to sell.

These eligibility rules for owner occupiers will be relaxed where the applicant expresses an interest in an Available Now property.

## 12.12 G. Income/Assets

Applicants whose income or assets exceed the limits set by the Council. The income threshold has been set at £40,000, and is calculated on gross household income. The savings/asset threshold will be £60,000. These values will be reviewed regularly. All households applying to the housing allocation scheme will be assessed for their ability to secure accommodation at market rent or to purchase a suitable property within West Lancashire.

Assets that may be taken into consideration include but are not limited to:

- Savings.
- Property Abroad.
- Commercial property.
- Money received through a divorce settlement.
- Residential Property.
- Bonds.

Lump sum payments to members of the British Armed Forces as compensation for an injury or disability sustained on active service will be disregarded.

## 13.0 Reduced Preference

### 13.1 Reduced Preference due to unacceptable behaviour.

Where there is insufficient information to determine that a person does not qualify for accommodation on the grounds of unacceptable behaviour it may be decided to reduce their priority band to Band E.

Customers will be given reduced preference in Band E where the Council 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 deliberately or negligently causing damage to a previous or current property, accumulation of large amounts of rubbish in and around the property.
- 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.
- If anyone from the household has been a perpetrator of low level Criminal or Anti-Social behaviour.
- Criminal behaviour that was relevant to the tenancy and/or locality, for example being in possession of illegal drugs, acts of public disorder.
- 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 Council or their contractors.
- Failing to allow access for compliance checks such as gas safety, legionella, fire safety and asbestos checks.

### 13.2 Reduced Preference due to no Borough Connection.

Applicants who do not have a Borough connection with West Lancashire will still qualify for access to the housing register, however, in general they will not be given any preference and will be placed in Band E. The only exceptions to this in general are:

- Those entitled to additional preference under The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2012/2989) or equivalent provisions.
- Those who are accepted as being owed the homelessness prevention or relief duty or have been accepted as being unintentionally homeless and in priority need and there are no grounds to refer the case to another local authority area.

- Those who are able to provide proof of their “need” to move into the area and demonstrate why this “need” cannot be satisfied in their current location.

To qualify for a Borough connection to West Lancashire an applicant must normally:

- Have lived in the area for a period of 3 out of the last 5 years prior to the date of their application; or
- Have close family who have lived in the area for a minimum of 5 years prior to the date of application and the applicant must indicate that they want to move nearer to them. Close family includes parents, children and siblings.
- Have reasonable preference because of a need to move to the local authority's area to avoid hardship, and need to move because the tenant works in the area, or needs to move to take up an offer of work.

#### **14.0 Banding Scheme**

The Housing Act 1996 as amended by the Localism Act 2011 requires an allocation scheme to be framed so as to secure that reasonable preference is given to various categories of people, which represent general indicators of housing need.

West Lancashire Borough Council has adopted a banding system in line with Government guidance.

Applications for an allocation of social housing will be placed in one of four priority bands:

- A (urgent priority)
- B (high priority)
- C (medium priority)
- D (low priority)
- E (no priority)

Within each band, preference will be given to those applicants who make a Community Contribution.

#### **15.0 Band A – Urgent Priority**

15.1 The categories for Band A are as follows:

- Applicants who have been assessed as being owed the homelessness prevention or relief duty and who are vulnerable as a result of being victims of violence or harassment.

- Applicants who have been assessed as being unintentionally homeless and in priority need as a result of being victims of violence or harassment.
- Applicants applying for an allocation of accommodation who have not been assessed as homeless but need to move urgently due to being victims of violence or harassment.
- Severe overcrowding.
- Urgent Medical Need.
- Unfitness, Disrepair, Demolition.
- Anti-Social Behaviour.
- Left in Occupation.
- Under Occupation.
- British Armed Forces.
- Multiple Needs.
- Foster Carers.

## 15.2 Criteria for each category.

15.2a Applicants who have been assessed as being owed the homelessness prevention or relief duty or who have been assessed as being unintentionally homeless and in priority need as a result of being vulnerable due to being:

- Victims of violence.
- Victims of racial harassment amounting to violence or threats of violence.
- Victims of sexual harassment amounting to violence or threats of violence.
- Witnesses or victims of crime who would be at risk of intimidation amounting to violence or threats of violence if they remained.
- Existing tenants who need alternative accommodation due to the above.

This level of priority can only be awarded by the Homelessness Advice & Prevention Team.

15.2b Applicants applying for an allocation of accommodation who have not been assessed as homeless but need to move urgently due to being:

- Victims of violence.
- Victims of racial harassment amounting to violence or threats of violence.
- Victims of sexual harassment amounting to violence or threats of violence.
- Witnesses or victims of crime who would be at risk of intimidation amounting to violence or threats of violence if they remained.

The decision to award this level of priority rests with the Tenancy Services Manager, or a suitably experienced Senior Officer who has

been delegated this task. This priority is awarded to facilitate a move away from the current home, geographical bidding restrictions may therefore apply.

#### 15.2c Severe overcrowding.

Households that are statutorily overcrowded, or that have two or more bedrooms fewer than they require and are therefore severely overcrowded. Severe overcrowding priority will not be awarded to those applicants who are in temporary accommodation.

The government's Bedroom Standard will be used to calculate whether a property is overcrowded. Guidance can be found at Appendix 2.

#### 15.2d Urgent Medical Need.

Urgent medical priority will be awarded where:

- The applicant is at significant risk of physical injury by remaining in their current home and is requesting to move to a more suitable type of accommodation, or
- The applicant is at significant risk of a severe breakdown in their mental health by remaining in their current home.

In the case of severe risk to mental health, the applicant's environment will be taken into account, as in these cases the property type itself is not necessarily the causal problem. The applicant must be able to show that the risk will be significantly reduced by a move to their requested location.

#### 15.2e Unfitness and Disrepair

- Where the applicants home is subject to a Demolition Order, Clearance Area or Compulsory Purchase Order.
- Council Tenants who needs to move as their home is part of a Revival Scheme, involving demolition or redevelopment.
- Permanent or temporary decants from Council property in order to carry out improvements or major repairs.
- Properties inspected by the Council's Private Sector Housing Section that are unfit and are subject to a Prohibition Order. This level of priority can only be awarded based on the recommendation of the Council's Private Sector Housing Team. The Housing Health & Safety Rating System will be used as a guide to assessing whether Band A is appropriate.

Where the applicant has not been re-housed and the repair issues have been resolved to the Council's satisfaction, the application will be reviewed to determine whether Band A priority should still be awarded.

#### 15.2f Anti-Social Behaviour.

If a West Lancashire Borough Council tenant is experiencing anti-social behaviour and is requesting a transfer as a result, they may be awarded Band A priority providing the Tenancy Services Manager is satisfied that all options to resolve the situation have been exhausted. The applicant will be awarded Band A following written confirmation from the Council's Multi-Agency Problem Solving Team (MAPS) Co-ordinator that all procedures have been exhausted and a move is recommended for the applicant's safety. West Lancashire Borough Council tenants are expected to co-operate with their respective Estate Management Team in recording and reporting incidents.

Other Council and Housing Association tenants will also be expected to have exhausted their own landlord's policy on tackling anti-social behaviour and a comprehensive report will be required from the landlord confirming what action has been taken and why they are unable to offer alternative accommodation from their own stock before this level of priority will be awarded.

Residents within the private rented sector and owner-occupiers must provide evidence of the anti-social behaviour before being assessed for this level of priority.

#### 15.2g Left in Occupation.

Those left in occupation of a West Lancashire Borough Council property, following the death of a tenant, with no succession rights to the tenancy or where the tenant has gone into residential care and the tenancy is to be terminated, will qualify for Band A priority.

The applicant must have lived at the address as their principal home for at least 12-months prior to the tenant's death or confinement to residential care to be awarded this level of priority.

Those applicants who have not lived at the address for at least 12 months will have their applications assessed to determine which of the other priority bands they qualify for.

#### 15.2h Under Occupation.

Those under occupying a West Lancashire Borough Council tenancy of a family house and who are requesting a move to a smaller property. Tenants living in flats, maisonettes or bungalows would not qualify. Applicants who were originally offered a property larger than their needs may not be awarded this priority unless there is demand for the type of accommodation they are currently occupying.

Each case will be assessed on its own merits.

#### 15.2i Multiple Needs.

Applicants who have met the criteria for any 2 or more of the needs categories identified in Priority Band B. This includes applicants who have been assessed as homeless but also fall into another category within Band B.

#### 15.2j British Armed Forces.

Applicants who are being discharged from the British Armed Forces who have sustained serious injury, medical condition, or disability during service and can prove a Borough connection to West Lancashire through previously residing in West Lancashire, or having relatives in West Lancashire.

Members of the British Armed Forces, with a Borough connection, who have been assessed as meeting the Band B criteria for homelessness, unsatisfactory housing conditions, or on medical, welfare or hardship grounds, will be given additional preference and placed in Band A.

#### 15.2k Foster Carers.

Foster Carers approved by the County Council whose housing prevents them from being able to start, or continue, to provide foster care.

### **16.0 Band B – High Priority**

#### 16.1 The categories for Band B are as follows:

- Those applicants assessed as being eligible for assistance, unintentionally homeless and in priority need for reasons other than violence.
- Overcrowding.
- Unsatisfactory Housing Conditions.
- Medical.
- Care.
- Hardship Employment or Financial Grounds.
- Care Leavers Requiring a Move to Independent Living.
- Applicants who no longer require the adaptations in their current home.
- British Armed Forces.

#### 16.2 Criteria for each category.

16.2a Those applicants assessed as being eligible for assistance, unintentionally homeless and in priority need due to being:

- A pregnant woman or a person with whom she resides or might reasonably be expected to reside.
- A person with whom dependent children reside or might reasonably be expected to reside.
- Persons who are vulnerable as a result of old age, mental illness, handicap or physical disability or other special reason or with whom such a person resides or might reasonably be expected to reside.
- A person who is homeless as a result of an emergency e.g. flood or fire.
- A person under 21 who was, but is no longer, looked after, accommodated or fostered between the ages of 16 and 18.
- A person who is aged 21 or more who is vulnerable as a result of having been looked after or accommodated or fostered.
- Applicants who are being discharged from the British Armed Forces and can prove a Borough connection to West Lancashire through previously residing in West Lancashire, or having relatives in West Lancashire.

#### 16.2b Overcrowding.

- Those overcrowded with one bedroom fewer than they require taking into account the Bedroom Standard at Appendix 2.

#### 16.2c Unsatisfactory Housing Conditions.

- Those lacking a suitable kitchen, bathroom or WC
- Those with no supply of cold or hot water
- Households with children under 14 where there is significant or excessive dampness to the property (Housing Health & Safety Rating System)
- Those tenants in the private sector where the Landlord would be, or has been, served with a repair notice by the Private Sector Housing Team (not applicable to Council tenants).  
Where the landlord rectifies the repairs to the satisfaction of the Private Sector Housing Team, the application will be re-assessed to determine whether this level of priority should still be awarded to the application.

#### 16.2d Medical Need.

- Those applicants with a serious medical condition that is made worse by the style or functionality of their current home. There must be a causal link between the property type and the deterioration or discomfort arising from the medical problem. Priority is not awarded for medical conditions alone.

Applicants must show that a move to the property type requested will help halt the deterioration in the condition and/or make the applicant more comfortable.

#### 16.2e Care.

- Those who need to move closer to family, friends or relatives to give or receive physical or emotional support or care because of a medical condition.

To qualify for this, the applicant must be moving to West Lancashire from another local authority area or if already resident in the area, be living more than 3 miles away from the family, friends or relatives who will be providing or receiving the care. There must be evidence that this support cannot be provided in the current location.

#### 16.2f Hardship, Employment or Financial Grounds.

Applicants will qualify for this level of priority where:

- There is a need to move to an area or locality to avoid hardship for example to access medical treatment or specialised services that would not be available to them if they did not move to that locality.
- There is a need to move for work related reasons. In determining whether a tenant needs to move to be closer to work or to take up a job offer include:
  - i. the distance and/or time taken to travel between work and home
  - ii. the availability and affordability of transport, taking into account level of earnings
  - iii. the nature of the work and whether similar opportunities are available closer to home
  - iv. other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
  - v. the length of the work contract
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.
- There is a financial need and the applicant is unable to afford to continue to occupy their current home (a financial assessment will be carried out to ensure the applicant cannot afford to own or rent an alternative property in the private sector).
- This will include those Council tenants (whose tenancy started prior to September 2011), who are under-occupying, and who have been negatively affected by the changes to Housing Benefit under the Welfare Reform Act.

#### 16.2g Care Leavers Requiring a Move to Independent Living.

- Care leavers who are unintentionally homeless are likely to have a priority need for re-housing under the homelessness legislation. However, in an effort to plan in advance to meet the needs of those known to be due to leave care, medium priority will be awarded to those care leavers with a Borough connection to West Lancashire. Should the

applicant not be accommodated and threatened with homelessness within 28 days, a homelessness application will be processed. This award will be made by the Housing Options Team following liaison with Social Care.

- Applicants leaving the Birchwood Centre following a period of supported living.

#### 16.2h Applicants who no longer require the disabled adaptations in their home.

Customers who release an adapted property where the tenant does not require their current home and will therefore be releasing an adapted property by moving.

#### 16.2i British Armed Forces.

Those who:

- are being discharged from the British Armed Forces in the next 6 months
- formerly served in the regular forces in the 5 years preceding their application
- have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- are serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

#### 16.2j Social/Welfare.

Those applicants who have a significant need to move which is not covered elsewhere in the policy; this award will only be considered in exceptional circumstances.

The decision to award this level of priority rests with the Tenancy Services Manager, or a suitably experienced Senior Officer who has been delegated this task.

### 17.0 Band C – Medium Priority

- Applicants living with family/friends or lodging with no security of tenure but with no other housing need.
- Those renting in the private sector who have been served with notice to quit.
- Those who are owed the homelessness prevention or relief duty.

- Those assessed as being intentionally homeless with or without a priority need and eligible for an offer of accommodation.
- Those assessed as being homeless but with no priority need.
- Those applicants who have refused 1 reasonable offer of accommodation in the discharge of a homelessness duty.

### **18.0 Band D – Low Priority**

- Those who occupy mobile homes on residential caravan parks and have no other housing needs.
- Private rented tenants with no other housing needs.

### **19.0 Band E – No Priority**

- Secure Council or Housing Association tenants with no other housing need.
- Applicants who would qualify for a higher band but have the financial ability to resolve their own housing need by purchasing a suitable property, renting in the private sector or having adaptations carried out to their current home.
- Applicants who have given up a secure property within the 12-months prior to the application who did not have a good reason for doing so.
- Those applicants who were in Band A or B and have refused 3 reasonable offers of accommodation from the housing register.
- Any applicant who has been assessed as being unsuitable to be a tenant and has had 'reduced priority' awarded to their application.
- Those without a Borough connection. The only exceptions to this are:
  - i. Members of the British Armed Forces. Armed forces personnel without a Borough connection will be prioritised according to their housing need but not awarded additional preference under section 16.2.
  - ii. Those who are accepted as homeless having fled violence or harassment from another area.
  - iii. those who are able to provide proof of their "need" to move into the area and demonstrate why this "need" cannot be satisfied in their current location e.g. for employment reasons

### **20.0 Economic/Community Contribution Award**

20.1 Increased priority for housing will be given to those applicants who demonstrate a commitment to contribute to the Borough's economic growth as working households or who make a contribution by their contribution within communities. This will be achieved by awarding a 'plus' status within each band. Therefore an applicant who is assessed as qualifying for Band B will be placed into Band B – 'Plus', if they also meet the economic/community contribution criteria.

During the short-listing process applicants with the enhanced 'Plus' status will appear above those applicants with the same level of housing need; i.e. in the same band who cannot demonstrate an economic/community contribution.

Applicants may be eligible for the Economic/Community Contribution Award if they are working, in training, or volunteering subject to conditions.

## 20.2 Working households.

West Lancashire Borough Council wants to support the economic strength of the Borough, and encourage people to work and raise levels of aspiration and ambition. We will therefore offer increased priority to applicants that are working and making a contribution to West Lancashire's economy. The increased priority gained by being a Working Household will apply across West Lancashire Borough's area and is not linked to a specific area.

### Definition of Working Household.

The definition of a working household will be where at least one adult member of the household is in employment. Employment for this scheme is described as having:

- a) A permanent contract.
- b) Working as a temporary member of staff.
- c) Self-employed.

Applicants will have to have been working for 16 hours or more for 9 out of the last 12 months. Verification will be sought at the point of application and at the point of offer. Applicants must provide payslips, P45 and P60, tax returns, bank statements and a verifying letter on headed paper from their employer in order to qualify.

The proof must be supplied at the time of application and verified at time of offer. If the applicant's employment status changes they may be allowed to retain the priority as long as there is a realistic prospect of re-employment. The decision will take into account their previous employment history, age of the applicant and other relevant factors. However, they must satisfy the employment definition at the time of the offer of accommodation.

## 20.3 Community Contribution.

People who play a part in making their neighbourhood strong, stable and healthy – those who help make it a good place to live, work and play are valuable people. They are the backbone of their community and they need to be recognised for the good they do.

The Community Contribution Priority Scheme is a West Lancashire Borough Council scheme which gives an applicant increased priority, in addition to any other banding they are entitled to because of housing need.

Community Contribution Awards – How they work in practice.

It is important to keep in mind that a Community Contribution award is additional to the applicant's Reasonable Preference status. If an applicant requests a Community Contribution award but turns out not to qualify for one, it won't disadvantage their application or cause it to be ineligible. It's also important to make clear that only the criteria below can be used to assess whether someone can have a Community Contribution award.

#### 20.4 Definition of Economic/Community Contribution.

If an applicant has lived in West Lancashire for three out of the last 5 years and can demonstrate a positive tenancy history, i.e.

1. No on-going culpable involvement in anti-social behaviour or criminal activities.
2. No breaches of tenancy within the last 3 years.
3. No outstanding lawfully recoverable housing-related debt.
4. Not have an outstanding unspent conviction.

They are entitled to a Community Contribution Award provided any of the criteria below is satisfied.

#### 20.5 Criterion 1 – Volunteers.

If an applicant volunteers, a Community Contribution award will be applied. Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application and the same at 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. N.B. Tenants and Residents Associations, which are constituted are classified as not-for-profit organisation. They must be registered with West Lancashire Borough Council or a Registered Provider to qualify.

Evidence required for Voluntary Work

A letter from a Manager responsible for the Volunteer (applicant) confirming their involvement in a minimum of 10 hours voluntary work per month or in the area for over 6 months. This person must not be related to the applicant in any way.

#### 20.6 Criterion 2 – Training, Education or Apprenticeships.

We want to encourage people to move closer to gaining paid employment by gaining employability skills and becoming job ready. This may be achieved by attending higher or further education or by accessing a longer vocational course of study or engaging in a programme of work-related training courses. In all cases the course of study must lead to achieving accredited qualifications and / or certification by a registered awarding body.

Study or training may be undertaken at a range of recognised institutions and organisations such as: Further Education College; registered Private Training Provider; registered Voluntary Sector Organisation or University.

A person must have been studying or training for a continuous period of at least 6 months up to the point of application and the same at point of offer.

All training must be a minimum of 16 hours a month.

Evidence required for Training element.

Further/higher education candidates must supply evidence of:

- Letter from college or university confirming participation in course of study for period of 6 months.

For vocational training award the following evidence must be provided:

- An agreed employment action plan developed through a recognised IAG service plus verification of steps taken towards achievement of action plan targets.
- Certificate or letter from a registered awarding body for the course or by a recognised training provider as evidence of gaining a recognised vocational qualification or successfully completing accredited work related training (over a continuous period of at least 6 months).

#### 20.7 Criterion 3 - Ex service personnel.

Applicants who have served in the British Armed Forces within the last 5 years will qualify for a community contribution award automatically, with the exception of those who have been dishonourably discharged.

#### **21.0 Deliberately Worsening Housing Circumstances**

Where there is clear evidence that an applicant has knowingly contributed to the worsening of their circumstances then no priority will be given. Examples of this include:

- a) Selling a property that is affordable and suitable for the applicants needs in order to qualify for a higher band.
- b) Moving from a secure tenancy to insecure or overcrowded accommodation.
- c) A family giving up an affordable and suitable private rented tenancy which they are able to maintain, to move in with other relatives, creating a situation of overcrowding and sharing of bathroom/kitchen and/or a split household.
- d) An applicant requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- e) An applicant gives up settled accommodation in order to move into less settled or overcrowded accommodation.
- f) An applicant deliberately overcrowds their property by moving in friends and/or other family members who have never lived together previously and/or have not lived together for a long time, then requests re-housing to larger accommodation.

The above list is not exhaustive.

## **22.0 Change of Circumstances**

Applicants will be considered for re-housing by priority band and each band will be ordered by the date the band was awarded. If an applicant's circumstances change or they move address, their application will be re-assessed and they will be placed in the most appropriate band by the date they were awarded the new banding. Where the banding would not change, the original date awarded will remain.

If by changing their circumstances applicants would go in to a higher priority band, then an assessment will be made to determine whether the applicant has knowingly contributed to a worsening of their housing situation. If they have then the application will remain in the band they were placed in before their circumstances changed.

## **23.0 Allocation Process**

### **23.1 Lettings Criteria:**

Properties will be allocated based on the applicant's preference and the property type and size they are entitled to under the policy. The lettings criteria can be found at Appendix 3.

A property will not be allocated to an applicant if it would be so overcrowded that it failed the statutory overcrowding test.

Applicants may be offered properties that are larger than the household needs if there are no bids from suitable sized families. This would be subject to an assessment of affordability.

Some properties have been classified as lettings to those aged over 40. These properties will be let sensitively due to the nature of the accommodation. Each application will be considered on its own merits.

New tenants will be allowed pets in accordance with the Council's Pet Policy.

Applicants in sheltered housing schemes, who are in Band E because their accommodation meets their housing needs will not be considered for offers of accommodation in the same or similar schemes.

### 23.2 Local Lettings Policies.

The Director of Housing and Inclusion may also agree to Local Lettings policies to ensure a balanced mix within Council accommodation. This can include setting minimum age limits for certain property types, adjusting the number of family homes let to families with children where there is a high concentration of children in a particular area, or giving preference to local people or those who are economically active.

Local Lettings policies may apply to new build and redevelopment schemes.

As local lettings policies are subject to frequent review and change they are not listed in this document. A copy of any current policies in place can be found on the West Lancs HomeFinder website: [www.westlancshomefinder.co.uk](http://www.westlancshomefinder.co.uk)

When we advertise properties within a local lettings scheme, we will make this clear in the advert.

### 23.3 Direct Lets.

Whilst the Council aims to allocate all of its empty properties via the CBL scheme, it reserves the right to direct match applicants to properties in exceptional circumstances, these would include:

- Public protection cases.
- Successor tenants or those left in possession of a West Lancashire Council property who are failing to make bids.
- Temporary or permanent decants.
- Properties that have been significantly adapted.
- Temporary accommodation.
- Extra Care Sheltered accommodation.

## 23.4 Allocation Decisions.

The Allocation of Housing (Procedure) Regulations 1997, regulation 3 provides:

- 1) as regards the procedure to be followed, an authority's allocation scheme shall be framed in accordance with the principle prescribed in this regulation.
- 2) a member of an authority who has been elected for the electoral division or ward in which:
  - a) the housing accommodation in relation to which an allocation decision falls to be made is situated, or
  - b) the person in relation to whom that decision falls to be made has his sole or main residence, shall not, at the time the allocation decision is made, be included in the persons constituting the decision-making body.

All allocations will be authorised and approved by the Tenancy Services Manager or a person delegated this authority by the Tenancy Services Manager.

All procedures under this Policy other than allocations will be carried out by a Housing Options Advisor unless otherwise stated.

Elected members will not be involved in the allocation process. This does not exclude elected members from assisting a constituent with a housing related query or providing support in making an application.

## 24.0 Adapted Dwellings

Where a social rented dwelling has been built or adapted for a disabled person's use it will normally be offered first to applicants from the Housing Register who have a disability and who may benefit from the particular type of adaptations made. Adapted properties will not be allocated to non-disabled persons if bids have been received from suitable applicants.

Significantly adapted properties may be allocated outside the HomeFinder scheme and offered to an applicant who requires the adaptations through direct matching. Should an applicant refuse such an offer, it will not count towards the 3 reasonable offers, which are normally made.

Applicants who are currently living in Council accommodation which has been significantly adapted to meet their needs will not be considered for an offer of any property that has not already been adapted. Exceptions

will apply where further adaptations are required and these cannot reasonably be done in the current home. These applicants will not normally qualify for any additional priority for under occupation. Each case will be considered on an individual basis.

## **25.0 Local Connection Policy**

Section 166A(6) Housing Act 1996 enables housing authorities to allocate accommodation to people of a particular description, whether or not they fall within the reasonable preference categories.

### **25.1 Local Connection Preference.**

There is particular strain on social housing for rent in some areas of the Borough. These areas include small villages where there is little Council accommodation. In such areas it can be difficult for people with a local connection to remain there or to move there. Low income groups are particularly affected especially where house prices and private sector rents are high making affordability of homes an issue.

The Council wishes to support and assist the development and retention of stable local communities. To aid this policy the Council wants to provide reasonable preference to applicants for accommodation that have “local connections” with a particular housing area. At the same time the Council wants to ensure that appropriate priority is given to others with housing needs that have expressed a choice or preference for accommodation in the district.

In the areas set out in Appendix 1 the Council will seek to give preference to applicants with local connections over those without a connection in the same level of housing need i.e. Band.

All vacancies in these areas will be advertised as normal, applicants who satisfy the Local Connection criteria for the area in which the vacancy is located, will be given preference over those applicants with the same level of housing need, i.e. the same band who cannot demonstrate a Local Connection to the area.

In areas where no preference is given to applicants with a local connection, then offers will be made solely in accordance with the normal procedure.

### **25.2 Review of Local Lettings Procedures**

In order to ensure the best use of Council accommodation, the Director of Housing & Inclusion Services is authorised to review and if necessary adjust the list of housing areas within each category as set out in Appendix 1 to reflect changes in levels of housing stock or levels of demand for homes in different areas.

This may result in general needs and sheltered accommodation within one housing area being within two different categories for local letting preference.

### 25.3 Local Connection Criteria

To qualify for a local connection with an allocation area an applicant must normally:

- Have lived in that area for a period of 3 out of the last 5 years prior to the date of their application; or
- Have close family who have lived in that area for a minimum of 5 years prior to the date of application and the applicant must indicate that they want to move nearer to them. Close family includes parents, children and siblings.

To satisfy the requirement of moving to be near close family, the applicant must be moving into the district from another local authority area or must currently live at least 3 miles away from the family member they are moving to be near.

An applicant can be considered to have a local connection to unlimited housing areas within the district as long as they satisfy the local connection criteria.

However, where an applicant applies to the housing register and initially satisfies the local connection criteria but subsequently falls outside of the criteria before an allocation is made, the local connection preference will be removed from the application. For example, by the time the allocation is made the applicant is no longer considered to have been resident in the district for 3 out of the last 5 years.

The Tenancy Services Manager is authorised, in exceptional circumstances and where reasonable, to assess persons who do not meet the above criteria as qualifying for a local connection.

### 25.4 The Right to Move Quota

The Council is required to set a quota for the proportion of properties that it expects to allocate each year to transferring social tenants who need to move into their district for work related reasons ('the Right to Move quota'). Given the historically low levels of applications from those outside the borough this quota has been initially set at 1% and will be reviewed annually.

## 26.0 Offers of Accommodation

### 26.1 Short-listing.

Expressions of interest will be placed in order of priority i.e. from Band A through to Band E. Applicants with the enhanced 'Plus' status for Economic/Community Contribution will appear above those applicants with the same level of housing need, i.e. in the same band who cannot demonstrate an economic/community contribution. Where the shortlist contains more than one applicant in a band, the date that the applications were placed into that band will be used to prioritise them.

Where the vacancy is in a Local Connection area, expressions of interest will be placed in order of priority i.e. from Band A through to Band E. Applicants with the Local Connection to the area in which the property is located will appear above those without a local connection with the same level of housing need. Where the shortlist contains more than 1 applicant with a local connection 'Plus' status for Economic/Community Contribution and the date that the applications were placed into that band will be used to prioritise them.

In cases where no bids are received from applicants meeting the local connections criteria in the highest band on the shortlist, offers will be made in the normal manner based upon priority need and date order. Any preference for a local connection may only be given where the property advertised is of a type and size appropriate to the applicant's needs.

Where properties are targeted at specific customers, they will be given priority for that type of accommodation e.g. accessible accommodation for customers with disabilities.

If an applicant is ranked first for more than one property and provided the lettings criteria are met, they will be contacted to make a decision about which property they wish to accept subject to viewing. If the Council is unable to make contact it will determine which property should be offered.

26.2 If an applicant on the shortlist is considered not to be eligible or qualifying, they will be 'skipped' and an offer will be made to the next applicant. Applicants may be skipped if for example:

- If they have failed to maintain regular repayments of rent, there are former tenant arrears or a recharge debt.
- If a current tenant needs to complete repairs identified as their responsibility.
- If an applicant bids for a property that does not meet their specified health needs.
- If an applicant's position on the shortlist is due to their employment and this status has changed.
- If an applicant's position on the shortlist is due to their local connection with an area and this is incorrect or has changed.
- If the applicant has already bid for another property and this has been offered to them.

- If the property is adapted and the applicant does not need those specific adaptations.
- If the property is not adapted and the applicant needs specific adaptations.
- If the reason for the move is domestic abuse or harassment and the move is not far enough from the area to resolve the issues.
- If no response has been received when the applicant has been contacted by telephone or letter, despite reasonable efforts.
- If the applicant would be reasonably be unable to afford the rent on the property.

The offer will be made first to the applicant in the highest priority band who has had that priority the longest. If the offer is not accepted the property will be offered to the next applicant in the band.

If an offer is not accepted by any of the applicants in a priority band then it will be offered to applicants in the next lower band on the same basis.

26.3 Properties will normally be offered on a fixed term/flexible tenancy of 5 years in accordance with our Tenure Policy. If the tenancy is new, the first year will be an Introductory Tenancy. After 12 months, the tenancy can become a flexible or fixed term tenancy if the requisite notice has been duly served.

For other household groups, including people above the state retirement age, households with a disabled person and whose property has received a Council disabled adaptation and for sheltered properties a secure lifetime tenancy will normally be offered.

26.4 Reasonable Offers.

Offers will be considered reasonable if:

- The applicant has expressed an interest in the property by placing a bid.
- The property attributes were correctly detailed in the advert.
- The size of the accommodation is suitable.
- The design of the property meets the individual's medical needs.
- The household would not be at risk of violence or harassment.

## 27.0 Refusal of Offers

Applicants will normally be required to decide on an offer of accommodation within 2 days of being notified of the offer.

Waiting list applicants who have refused 3 reasonable offers will have their applications re-banded to Band E.

Applications will not normally be cancelled for refusal of offers. They will remain in Band E until they receive an offer that they accept. Applications will only be cancelled if an applicant fails to respond to letters asking if they wish to stay on the register or it is cancelled in the annual system review.

In exceptional circumstances where an applicant has bid on, been offered, viewed and refused number of suitable properties with no valid reason, the Tenancy Services Manager will have discretion to close the application.

In cases where a household has been accepted as unintentionally homeless with a priority need and placed in bands A or B, 1 offer will be made to discharge the Council's statutory duty. Where this offer is refused, the application will be re-banded to Band C and treated as a waiting list application.

The Council aims to provide accommodation to homeless applicants in an area that they have selected, as the tenancy is more likely to be sustained. However, owing to the low turnover in certain areas, the need to help people move on from temporary accommodation, and discharge of the homeless duty, offers of reasonable accommodation may have to be made in an area, which has not been chosen but is reasonably accessible and available at an earlier date.

## **28.0 Exceptional Circumstances**

The Council accepts that there may be circumstances that warrant exceptions to the normal allocation policy. The Director of Housing & Inclusion is therefore authorised to assess individual cases and where appropriate and reasonable to do so decide that an exception be made to the normal allocations policy. Such cases may include exceptions to:

- The application of the local lettings policy.
- The application of the local connections criteria.
- The priority band applied to an application.
- The offer of accommodation to an applicant.

Exception circumstances would include but not be limited to Public protection cases, situations where a move would assist the council in the effective management of its homes, or in order to make best use of housing stock for example where a property has been significantly adapted or has unusual attributes.

## **29.0 Nominations to Private Registered Providers**

The Council has a number of nomination agreements with Housing Associations and will always endeavour to submit nominations for

vacancies when requested. These properties will be advertised and shortlisted in accordance with the normal allocations scheme. The Council will provide details of the three highest placed applicants to the Housing Association who may conduct their own pre tenancy checks prior to making any offer of accommodation.

### **30.0 Review of the Housing Register**

The housing register will be reviewed every 12-months. Applicants will be required to confirm that they wish to remain on the register and advise the Council if their circumstances have changed. Applicants who fail to respond to this review will be removed from the housing register. They will have to make a fresh application to re-join the scheme if they wish to be considered for accommodation in the future.

On completion of the online application applicants will be advised of the information that they will need to provide e.g. photographic ID, reference, proof of child benefit. Applicants who fail to provide this evidence within 2 months will have their application cancelled and will need to reapply.

### **31.0 Confidentiality**

We treat the information included on a housing application as strictly confidential.

The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.

The information included on a housing application is also protected by the Data Protection Act 1998. This means we cannot share the personal information provided on an application form without the applicants consent, except in specific exceptional circumstances.

The disclosure of information about any housing application to a third party is prohibited except on a “need to know” basis in the following circumstances:

- To plan and provide assistance jointly with health and social services agencies in appropriate cases.
- For the purpose of fraud detection, the prevention of crime, and the promotion of community safety.
- To enable efficient administration of offers of rehousing, lettings, housing association nominations, and rent and benefit accountancy etc.
- Where disclosure is a legal requirement.

Applicants can designate a relative, friend, agency or other third party to act of their behalf. By supplying the representative's information on the HomeFinder application the applicant giving consent for all aspects of their application to be discussed with their representative.

### **32.0 Rights to Request Information and Reviews**

In accordance with s166A(9) of the Housing Act 1996 (as amended), applicants have the following rights:

- a) To request such general information as will enable them to assess:
  - how their applications are likely to be treated under this Policy (including in particular whether they are likely to be regarded as a member of a group of people who are to be given preference by virtue of s166A(3)), and
  - whether housing appropriate for their needs is likely to be made available to them and, if so, how long it is likely to be before such accommodation becomes available
- b) To request to be informed of any decision about the facts of his or her case which has been or is likely to be taken into account in considering whether to make an allocation.
- c) To request a review of a decision under (b) above or a decision that they are either ineligible or non-qualifying.

The review process can be found at Appendix 4.

### **33.0 Support for Vulnerable Applicants**

We aim to ensure that all applicants are able to full participate in the CBL scheme and appreciate that some customers may require some additional support to do so.

At application stage, applicants will be asked whether they require any additional help. This may include:

- Advice on using the system and technology involved.
- Nominating someone to bid on their behalf, this could be a family member or worker from a support agency. In exceptional circumstances where an applicant is unable to bid themselves and has no advocate, a system of automated bidding can be used.
- The West Lancs HomeFinder website will be W3C AA compliant, meeting current accessibility standards and makes use of the Browsealoud text reader.

## **APPENDIX 1**

### **LOCAL CONNECTION AREAS**

Altcar  
Appley Bridge  
Banks  
Bickerstaffe  
Halsall  
Haskayne  
Hesketh Bank  
Newburgh  
Parbold  
Rufford  
Scarisbrick  
Tarleton  
Westhead  
Wrightington

## **APPENDIX 2**

### **Overcrowding Assessment Guidance - The Bedroom Standard**

The bedroom standard is the minimum standard against which local authorities assess overcrowding.

When assessing overcrowding, the following criteria should be taken into account:

- Married or cohabiting couples (including same sex couples) should their own bedroom
- Each adult aged 21 years or more should have a separate bedroom
- A pair of adolescents of the same sex aged between 10 & 20 years can share a bedroom
- A pair of children aged under 10 regardless of sex can share a bedroom
- Any unpaired person aged 10-20 years is paired if possible with a child under 10 years of the same sex. If this is not possible, they should be given a separate bedroom. The same applies to any unpaired child aged under 10 years

In calculating the number of bedrooms available within properties the Council will treat every habitable room as a bedroom except kitchens, bathrooms and one room for use as a living room. The Council will normally consider additional downstairs rooms in houses for use as bedrooms in accordance with Housing Benefit regulations.

No more than 2 people are expected to share a room.

A pregnant woman will be assessed as requiring a room for the baby only once the baby is born.

Where a household is experiencing difficulties with accommodating 2 very young children i.e. under 5 in a single bedroom, an additional bedroom may be allocated. This award is discretionary and will only be made following a home visit by a Housing Options Advisor.

### **APPENDIX 3**

#### **Lettings Criteria**

<b><u>Property Type</u></b>	<b><u>Qualifying Groups</u></b>
Bedsits	Single people & couples without children
Flats/Maisonettes	Single people, couples, families with children.
Houses	Households with children where the youngest is aged 16 or under.

Households with an expectant mother are treated as though the child has been born at 30 weeks of pregnancy as long as a copy of the MATB1 has been provided.

Sheltered housing bungalows and sheltered schemes are reserved for those over 55 years of age who need the added benefits of a safe and secure environment that supports and sustains their long term health and wellbeing. For sheltered flats not in a communal scheme, applications will be considered from households where all members are over 50.

In exceptional circumstances applicants under these age limits, with identified support needs which cannot be met in general needs accommodation, may be considered for sheltered housing. This decision will be taken in consultation with the manager responsible for the management of the Councils sheltered housing schemes

For those people with some levels of support needs the Council will work with appropriate agencies to achieve independent and sustainable tenancies.

#### **Number of bedrooms**

The number of bedrooms allocated will be dependent on the size of the household taking into account the bedroom standard.

The following criteria will be followed:

- Each married/co-habiting couple will require a bedroom
- Each adult aged 21 years or more will require a bedroom
- Each pair of children of the same sex aged between 10-20 will require a bedroom
- Each pair of children aged under 10, regardless of sex, require a bedroom (once one child reaches the age of 10, they can be paired with another person of the same sex who is aged 20 or under. Where this is not possible, the unpaired child will require a separate bedroom).

Households with an expectant mother are treated as though the child has

been born at 30 weeks of pregnancy as long as a copy of the MATB1 has been provided.

Where there is a demonstrated need for an additional room for a carer or medical equipment (as evidenced by medical information), an additional bedroom can be allocated.

Where a household is experiencing difficulties with accommodating 2 very young children i.e. under 5 in a single bedroom, an additional bedroom may be allocated. This award is discretionary and will only be made following a detailed assessment.

As the Council has limited availability of 2 bedroom houses ; those households with two children and assessed as eligible for 2 bedrooms under the above criteria will be allowed to bid on both 2 and 3 bed properties, however all offers would subject to an affordability assessment.

## **APPENDIX 4**

### The Review Process

#### The Original Decision

Normally within 3 working days of making a decision on a housing application, the officer dealing with the case will notify the applicant in writing of that decision.

The decision letter will state;

- The reasons for the decision;
- The right to request a review of that decision;
- The time allowed to make a request for a review (normally 21 days from the date the date of the decision);
- The name of the officer to whom the request for review should be made

Where the applicant requests a review, the Review Procedure should be followed.

#### Review Procedure

Written request for a review has been received within the timescale allowed (normally 21 days).

Within 2 working days of the written request being received, a Review Officer will be appointed (this will be a senior officer who has not taken part in the original decision).

Within 10 working days of their appointment, the Review Officer will;

- Write to the applicant stating that the review request has been received;
- Advise the applicant of the identity of the reviewing officer;
- Inform the applicant that they or someone acting on their behalf can make representations in writing in connection with the review;
- Further details of the review procedure;
- The timescale within which the review will be completed (8 weeks from the day on which the review is made)

There is no further right of appeal if the applicant is not satisfied with the decision on review.

Any further challenge would have to be through the courts by way of judicial review.