



# **JOINT HOUSING ALLOCATIONS POLICY**

**December 2020**

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# JOINT HOUSING ALLOCATIONS POLICY 2020

## SECTION 1: INTRODUCTION

### 1.1 Framework

- 1.1.1 *Why we have a joint policy* - As a Strategic Housing Authority, Newcastle-under-Lyme Borough Council is required to have an Allocations Policy to ensure that households in housing need are given priority for rehousing within the affordable housing available in the Borough. The Council has a Joint Housing Allocations Policy with Aspire Housing, the largest Registered Housing Provider within the Borough. Having a Joint Housing Allocations Policy will make applying for housing simpler for customers having just one system to use.
- 1.1.2 Although the Council no longer has a statutory duty to administer a formal Housing Register, it has made a policy decision to retain the register as a means of prioritising applicants, identifying needs and to inform the Housing Strategy for the Borough. This Joint Policy has been produced to ensure compliance with the requirements of the Housing Act (1996) Part VI, as amended by the Homelessness Act (2002), the Homelessness Reduction Act 2017, the Localism Act (2011) and the Codes of Guidance on Allocations and Homelessness.
- 1.1.3 This Joint Policy will be regularly reviewed and revised in the light of any relevant legislative changes, regulations issued by the Secretary of State and changes to the Codes of Guidance.
- 1.1.4 The Council transferred its housing stock to Aspire Housing in February 2000 through a Large-Scale Voluntary Transfer. As part of this transfer it was agreed that the Council has a 75% nomination right for all Aspire Housing lettings, meaning that 3 of every 4 properties will be let through the council's housing register. As Aspire have the largest number of social rented properties within the Borough, the majority of the waiting list lettings are through Aspire Housing. The Council generally has 50% nomination arrangements with other Private Registered Providers (PRPs) operating in the Newcastle-under-Lyme area that are administered by Newcastle Housing Advice through the Housing Register function. The following PRPs have affordable housing within Newcastle-under-Lyme:
- Alpha Homes
  - Anchor Homes
  - Aspire Housing
  - Clarion Housing Group
  - Wrekin Housing
  - Sanctuary Housing Group
  - Honeycomb Group trading as Staffs Housing
- 1.1.5 The majority of nominations and lettings are for social rented properties; however, this Joint Policy also covers other forms of affordable housing including shared ownership and some supported housing. In many instances specialist types of affordable housing will have additional eligibility criteria and prioritisation of households may involve other partner agencies. For example, Extra care schemes may require care assessments to be undertaken and prioritisation will involve Social Care and Health at Staffordshire County Council.

- 1.1.6 *Delivery of the service* - The Council's statutory duties in relation to homelessness and housing advice are delivered through Newcastle Housing Advice. The Newcastle Housing Advice service is referred to as NHA. NHA with support from partners at Aspire Housing operate a Choice Based Lettings (CBL) scheme that gives customers more choice about where they wish to live and gives them a better idea of what homes are available in the Newcastle-under-Lyme area.
- 1.1.7 Delivery of good quality housing advice is clearly dependent on close knowledge of the current housing market and housing needs together with the implementation of the Policy. For these reasons both the Council, Aspire Housing and our housing provider partners support the delivery of the Policy through the NHA service.
- 1.1.8 Delivery of this Policy will be reviewed by the Newcastle-under-Lyme Lettings Forum comprising of representatives from all Private Registered Providers named above, NBC and NHA. This group will ensure an effective and responsive service, that meets the needs of local people and takes account of the changing local and national developments and best practise.

## **1.2 Aims of the Joint Policy**

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

## **1.3 Objectives**

- 1.3.1 This Joint Policy and the operation of Choice Based Lettings have the following objectives:
- To build community cohesion and sustainability, enabling home seekers in the Borough to have choice in where they live and to encourage people to contribute positively to their community.
  - The use of local letting policies will be used where appropriate as agreed between the provider and NHA.
  - To meet the needs of homeless households, with an emphasis on preventing homelessness, by increasing tenure choice through a housing options approach.
  - To enable the Council to meet its statutory duties – including where duties are owed to homeless households under Part VII of the Housing Act (1996), as amended by the Homelessness Act (2002) and the Homeless Reduction Act 2017.
  - To provide increased customer focus and to provide better information to applicants and our partners in the voluntary and statutory sector.
  - To make the most effective use of the housing stock within the Borough with our partners.
  - To contribute to the creation of balanced communities by ensuring equality of access and outcomes for housing applicants.
  - To contribute to mobility in the affordable housing sector across the sub-region.
  - To deliver greater effectiveness and efficiency savings and to share good practice across the sub region with our partners.

## **1.4 Choice of Accommodation**

- 1.4.1 Applicants are required to provide all relevant information in support of their application and every effort is made to offer properties that meet their needs and preferences and enable them to choose where they wish to live as far as possible.
- 1.4.2 Through the operation of Choice Based Lettings, applicants can bid for properties across the Borough, unless a property is advertised for specific eligibility criteria for the applicant and/or their household. The more flexible applicants are in their area of choice, the sooner they are likely to be successful in bidding for rehousing.
- 1.4.3 Preference is given to applicants with a local connection to Newcastle-under-Lyme (see 2.8.3).
- 1.4.4 Applicants can place an unlimited number of bids with the exception of those placed in Band 1 - owed the main homeless duty, this is covered in more detail in Section 2.10 of this Policy.
- 1.4.5 Where applicants have the ability to secure alternative accommodation or affordable home ownership, advice and assistance will be offered to enable households to access any national or local schemes as appropriate. This may be through signposting or referral to other landlords.
- 1.4.6 Existing social housing tenants will also be offered the choice to participate in exchanges with other Local Authority's, PRPs and Housing Trust tenants. The Joint Policy will ensure that a Home Swap Scheme is available for social housing tenants to be able to look for exchanges with other social housing tenants. Some schemes will make a charge to register on their site, unless the landlord is a member of the scheme.
- 1.4.7 Existing social housing tenants who are requesting a transfer are encouraged and signposted to contact their Private Registered Provider to discuss their housing options and circumstances prior to making an application.
- 1.4.8 Special consideration is given to persons seeking rehousing in communities with which they have an existing or previous proven connection. Where rural housing has been developed as part of a Section 106 planning condition these properties will be advertised for households with specific rural needs and applicants in housing need meeting these requirements will be prioritised.
- 1.4.9 Some customers who are offered properties through the housing register may be invited to participate with Private Registered Providers who offer practical information to help them prepare for a tenancy and sustain their tenancy responsibly.
- 1.4.10 Normally all Private Registered Providers require up to one month's rent in advance prior to the tenant moving into a property.

## **1.5 Equal Opportunities**

- 1.5.1 The Council, Aspire Housing and all the Private Registered Providers are committed to equal opportunities and anti-discriminatory practice in service provision and seek to promote social inclusion.

- 1.5.2 This Joint Policy aims to provide fair and equal treatment to all applicants, regardless of race, colour, ethnic origin, nationality, religion, gender, marital status, sexual orientation, age or disability. This involves an objective assessment of the housing needs of all applicants and equal treatment of all tenants, together with a sensitive response to the special needs of groups and individuals.
- 1.5.3 This Joint Policy complies with the requirements for the Sex Discrimination Act (1975), Race Relations Act (1976), Equality Act 2010, Protection from Harassment Act (1997) and the Commission for Racial Equality's Code of Practice in Rented Housing and the Equality Act (2006).
- 1.5.4 For monitoring purposes applicants may be asked to provide personal details of their gender identity, ethnic origin, race, religion, sexual orientation and disability. This is not a requirement for acceptance onto the Housing Register.
- 1.5.5 In line with the relevant discrimination acts and to enable Officers to assess the delivery of the service for the Equality Impact Assessments, records will be kept on a range of applicants' personal equality information which will be dealt with in line with the General Data Protection Regulations (GDPR). A service specific Privacy Notice is available on the Council's website.

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

- 1.6.1 NHA, and all Private Registered Providers will provide advice and information to people about applying for a home and give assistance to people who have difficulty in making an application.
- 1.6.2 Applicants on the Housing Register are entitled to information about any decision on the facts of their application. Applications are made online and are assessed automatically based on the information provided. Applicants will be advised of their priority banding.
- 1.6.3 Advice and information about housing options will be provided to households free of charge. This advice and information may cover issues relating to homelessness and the prevention of homelessness, owner occupation, shared ownership, private sector tenancies, housing association tenancies and mutual exchanges.
- 1.6.4 Where specialist advice is necessary, for example, if there are complex legal or financial problems, applicants will be referred to specialist agencies that can help them. Where appropriate, referrals will be made to agencies providing support for vulnerable people.
- 1.6.5 For those people who have difficulty applying online or participating in the choice-based lettings scheme generally due to a medical condition or vulnerability. Assistance will be provided to customers when necessary.
- 1.6.6 Some vulnerable applicants will need assistance in responding to advertised vacancies. Vulnerable applicants identified at application stage may be referred to other agencies as appropriate and set up for automatic bidding on their application.

## **1.7 Publicity**

- 1.7.1 The Council, NHA, Aspire Housing and all Private Registered Partners who provide nominations will make every effort to ensure that stakeholders, partner agencies and applicants can access information about the Joint Allocations Policy. The Joint Policy is available on the Council, Aspire Housing and NHA websites.

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

### **2.1 Definition of terms**

- 2.1.1 The term “applicant” will include single people and the term “joint applicants” will include couples, other family members or friends who wish to share a joint tenancy.
- 2.1.2 The term “household” includes all individuals included in the applicant’s application. A household may therefore be any individuals, that wish, or need, to live together in the long term. Short term sharing arrangements or temporary part time arrangements will not normally qualify as a household for general needs lettings.

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

- 2.2.1 Customers can apply for accommodation online via the Choice Based Lettings Scheme through the NHA website [www.nhaoptions.co.uk](http://www.nhaoptions.co.uk)
- 2.2.2 For more information and how to apply please visit our website [www.nhaoptions.co.uk](http://www.nhaoptions.co.uk).

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

- 2.3.1 Normally, anyone aged 16 or above can apply for housing. However most housing providers will only accept nominations for applicants that are 18 years. Whilst all applications from 16/17-year olds will be considered, the following circumstances will normally be expected to apply:

- Where the applicant has a dependent child or children or is pregnant;
- Where the applicant is a successor to a tenancy;
- Where any Private Registered Provider has directly managed properties and support that are appropriate for 16- and 17-year olds.

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

### **2.4 Eligibility**

- 2.4.1 The Housing Act (1996) Part VI, as amended by the Homelessness Act (2002) and the Homelessness Reduction Act 2017, requires Local Authorities to consider applications for housing that are made in accordance



with the procedural requirements of the authority's allocation scheme. In considering applications, authorities must ascertain:

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

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

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

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

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

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

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

2.4.7 Applicants with limited leave to remain will be reviewed on a case by case basis by NHA and Private Registered Providers.

2.4.8 NHA will always assess applications in line with most recent housing legislation and government guidance.

## **2.5 Qualification**

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

2.5.2 Applicants may not be eligible for an allocation of a general needs tenancy where there is insufficient evidence of their ability to conduct a general needs tenancy or there is felt to be insufficient support available for them to live independently. For example, for some customers there may be a need

to have a mental capacity assessment including a full support plan in place to be eligible to go on the Housing Register. Applicants will be required to agree to engage with relevant support from official agencies where this is identified.

- 2.5.3 In order to ensure that we are meeting the needs of the local community only applicants with a local connection to the Borough will be placed on the Housing Register, with the exception of applicants aged 55 years or over who are eligible for sheltered accommodation only.
- 2.5.4 Private Registered Provider tenants who do not meet the housing need criteria set out in this Policy will not be eligible for a transfer. A transfer will be authorised for those meeting the criteria following a satisfactory property inspection. Assured Tenants will have free access to a home swapping service to search for a mutual exchange.
- 2.5.5 In accordance with the powers provided by the Localism Act (2011), applicants may not qualify for social housing if they are; a person whose behaviour is serious and unacceptable enough to make them unsuitable to be a tenant. (See Section 2.6 below).

## **2.6 Qualifying Persons**

- 2.6.1 The Localism Act (2011) permits Local Authorities to determine what persons are or are not qualified to be allocated housing. For the purposes of this Joint Policy, the Council, Aspire Housing and NHA consider a Housing Register applicant to be ineligible for the allocation of accommodation where:

The applicant or a member of their household whose behaviour is serious and unacceptable enough to make them unsuitable to be a tenant of the authority; and in the circumstances at the time their application is considered, they are unsuitable to be a tenant of the authority by reason of that behaviour.

NHA will make checks on applicants' and may also check their adult household members current and previous local authority or PRP tenancies regarding tenancy conduct and rent arrears debts. NHA will have the discretion to decide if the history of behaviour is 'unacceptable' by considering all the facts. Checks may also be made in respect of the conduct of private rented tenancies where appropriate as well as information obtained via risk assessments from relevant agencies. Current and future support needs may be taken into consideration.

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

- Significant current or former rent arrears, in excess of four weeks rent, unless there are exceptional circumstances. At the point of offer the debt either needs to be cleared or a payment plan consistently adhered to. In exceptional cases these will be discussed between Newcastle Housing Advice and the management of the Private Registered Provider.
- Serious nuisance/annoyance to neighbours e.g. where there is evidence that an applicant or member of their household have committed serious anti-social behaviour, including harassment, racial harassment or

violence, are the subject of a Criminal Behaviour Order (CBO), injunction or other legal proceedings due to breach of tenancy conditions or anti-social behaviour;

- Committing certain criminal offences in the community and still posing a threat to neighbours or the community and it is considered that such behaviour would make them unsuitable to be a tenant;
- Being convicted of using former accommodation or allowing it to be used for immoral or; illegal purposes such as drug dealing;
- Serious damage / neglect or abandonment of a property;
- Abusive or threatening behaviour towards members of staff and other agencies;
- Providing false information or omitting relevant information on the application form.

#### Note

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

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

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

## **2.7 Reduced Preference**

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

2.7.2 Reduced Preference will normally be given when an applicant, or any member of their household:

- Has a history of unacceptable behaviour but this is no longer the case or has demonstrated a sustained change in behaviour.
- Has the ability to secure alternative accommodation because they have sufficient means to do so as outlined in the accompanying Equity Policy.
- Applicants who do not co-operate including those owed a homeless prevention and/or relief duty who have refused a suitable offer.
- Applicants with no local connection that are 55 years and over are eligible for sheltered accommodation only.

2.7.3 Applicants will have the opportunity to have their banding award reviewed under the Allocations Appeals Procedure should they wish to challenge the decision (see Section 3.10 below).

## **2.8 Local Connection**

2.8.1 The Housing Act (1996), as amended by the Localism Act (2011) enables Housing Authorities to better manage their housing waiting lists by giving

them the power to determine which applicants do or do not qualify for an allocation of social housing within their district. Housing Authorities are able to operate more focused housing registers to better reflect local circumstances and to be more readily understood by local people in order to manage unrealistic expectations by excluding people who have little or no prospect of being allocated accommodation.

2.8.2 In order to ensure that we are meeting the needs of the local community only applicants with a local connection to the Borough will be placed on the Housing Register, with the exception of applicants aged 55 or over who are eligible for sheltered accommodation only. Applicants with no housing need in this age group will not be prioritized before applicants with a local connection.

2.8.3 The following persons shall normally be considered to have a local connection with Newcastle-under-Lyme if they or anyone who is moving with them:

- has lived in Newcastle-under-Lyme by choice for a certain time (usually for 6 months out of the last 12 months or for 3 years out of the last 5 years), not inclusive of bail hostels or approved premises.
- has close family associations for example parents, siblings or adult children who have lived continuously in the Borough of Newcastle-under-Lyme for at least the previous 5 years.
- has, or the offer of, settled employment (paid or unpaid) in Newcastle-under-Lyme.
- has special circumstances that gives rise to a local connection at NHA discretion.
- Care Leavers aged 18-20 will have a local connection if they have lived in Newcastle-under-Lyme Borough for two years, including some time before their 16<sup>th</sup> birthday or have been a looked after child by Staffordshire County Council.

Special circumstances may include but are not limited to:

- persons who are not currently resident in the District but who have a need to be near close relatives to give or to receive their support.
- persons who have recently suffered or experienced Domestic Abuse.
- Persons who have previously served in the Armed Forces, including bereaved, divorced or separated spouses or civil partners who are required to move out of accommodation provided by the Ministry of Defence. (see 2.8.4).

For the purposes of the above, living in the area means living in permanent accommodation of an applicant's own choice and will not include either:

- occupation of a mobile home, caravan or motor caravan which is not placed on a residential site; or
- occupation of a holiday letting, which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday.

2.8.4 The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012 and Section 146 of the Localism Act (2011) state that a local housing authority must not apply residency requirement criteria to armed forces personnel. Armed forces personnel includes those persons who are currently serving in the armed forces or have served in the last 5 years preceding their application for allocation of social housing. For this purpose when dealing with applications from armed forces personnel, NHA will assess and award reasonable preference on the

Housing Register without the need to establish a local connection with the Borough.

## 2.9 Community Contribution

2.9.1 To contribute to the development of stable and sustainable communities, the Council and all Private Registered Providers will acknowledge community contribution. Consideration will be given to applicants in employment, training or those who are volunteering on a regular basis. There may also be local lettings plans and criteria to promote greater stability in some areas, (see 1.3.1 above), these will be agreed with NHA and clearly promoted on property advertisements.

Priority will be given to applicants within bands 5 and 6 and consideration will be given to applicants within band 4 who can demonstrate Community Contribution criteria detailed below. Within Band 4 the urgency of the housing need of applicants will always be met first.

- A current permanent contract of employment that has been in place for 3 months or more
- Voluntary work (not required as part of a community or probation order) for a recognised organisation for 10 hours per week for at least the previous six months
- Undertaking work preparation training on a regular basis or
- Approved foster carers who need to move to a larger home in order to accommodate a looked after child.

2.9.2 New build properties and Community contribution. Private Registered Providers need to build positive relationships with developers, homeowners and other stakeholders on new build developments, especially when further development is ongoing, and the estate is being established. To promote cohesion and mixed communities' priority for the first let for new build house lettings will be given to those with a local connection to the neighbourhood and a community contribution as detailed above. In the case of flats, this priority will apply to all lets within the first two years.

### **New property priority - New build lettings**

There will be a cascade priority for all new build developments on **first let only for houses and first two years for flats.**

A shortlist for a new property will be re-ordered to ensure that the following cascade of priority is followed:

- 1st priority – Applicants demonstrating a local connection to the town/ village in which the property is being built
- 2nd priority – Applicants currently employed/ key workers and certain voluntary workers
- 3<sup>rd</sup> priority – When the community contribution applicants have been exhausted applicants will be prioritised in banding order, an allocation interview maybe required by the provider

**To qualify for a new build priority the evidence of Local Connection or Community Contribution must be provided by the applicant before the close of the current bidding cycle**

## 2.10 Reasonable Preference Groups

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

## 2.11 Applicants threatened with homelessness

- 2.11.1 If someone is homeless or threatened with homelessness, then they will be invited to a housing options interview to discuss their rehousing choices with NHA who seek to prevent homelessness at all times. The interview will comply with the requirements of the duty in section 179 of the Housing Act 1996 as extended by the Homelessness Reduction Act 2017. This means that NHA will provide bespoke advice that is designed to support all households' groups including the following vulnerable groups:
- Care leavers
  - Former armed forces personnel
  - People leaving custody
  - Victims of domestic abuse
  - People with mental and physical health issues.

Self-help advice and information can be found on the website at [www.nhaoptions.co.uk](http://www.nhaoptions.co.uk).

- 2.11.2 During the housing interview a housing needs assessment will take account of all household circumstances and the highest priority circumstance will determine the priority Band, which is detailed below:

### **Main Homeless, Prevention and Relief Duties**

#### Applicants owed a main homeless duty

The Local Authority has a legal duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) to ensure that homeless applicants owed a main housing duty are provided with suitable accommodation.

Applicants owed the "main" homelessness duty will be made one offer of accommodation.

NHA will make assisted bids on the applicants' behalf taking into account the applicants' circumstances where possible.

When a main duty homelessness offer is made this one offer will be the final offer of accommodation. This final offer will be made in writing. If the applicant accepts the offer, the main homelessness duty comes to an end.

If the applicant refuses the offer NHA will advise the applicant of the right to request a review of the suitability of the accommodation, whether or not the offer of accommodation is accepted. If after review, the offer was deemed to be suitable, no further duty will be owed. Where the applicant is living in temporary accommodation, a Notice to Quit will be issued.

Applicants who are no longer owed a main duty will be reassessed under the banding scheme and may continue to be able to participate within the CBL scheme with their newly assessed priority.

#### Priority applicants owed a Homeless Relief duty

Applicants who have been assessed as qualifying for the Relief Duty who would be owed or likely to be owed the main duty when the relief duty comes to an end. This is because they are or likely to be in a priority need and unintentionally homeless in accordance with the Homelessness Reduction Act 2017.

NHA may make assisted bids on the applicant's behalf in, as their circumstances indicate an acute and urgent housing need to be accommodated. This band will be reviewed after 2 months and banding could be reassessed.

If the bids result in an offer and the offer is refused and the reason considered unreasonable, NHA will reassess the applicant as threatened with homelessness and will be placed into (reduced preference) Band 6. NHA will advise the applicant of the right to request a review of the suitability of the accommodation, whether or not the offer of accommodation is accepted.

#### Non Priority applicants – Relief Duty

Applicants who have been assessed as qualifying for the Relief Duty who would be owed or likely to be owed the main duty when the relief duty comes to an end. This is because they are or likely to be in a non- priority need and homeless in accordance with the Homelessness Reduction Act 2017

NHA may make assisted bids on the applicant's behalf. This band will be reviewed after 2 months and the banding could be reassessed.

If the bids result in an offer and the offer is refused and the reason considered unreasonable, NHA will reassess the applicant as threatened with homelessness and will be placed into (reduced preference) Band 6. NHA will advise the applicant of the right to request a review of the suitability of the accommodation, whether or not the offer of accommodation is accepted.

#### Applicants owed a Prevention duty

Applicants who are threatened with homelessness and owed the Prevention Duty and are likely to be assessed as unintentionally homeless if both the Prevention Duty and any subsequent Relief Duty comes to an end.

This band will be reviewed after 2 months and the banding could be reassessed.

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

2.12.1 Housing needs assessments will be made taking into account the size of the property that the applicant resides in and the best use of available space to determine bedroom entitlement. For example, if a household is using a bedroom as a study they would not be assessed as lacking a bedroom.

2.12.2 The following bedroom standards for assessing housing need will apply in most circumstances:

- Married or cohabiting couples will be assessed as requiring 1 bedroom;
- Any single person aged 16 years or over will be assessed as requiring 1 bedroom;
- Adult households with no children will be assessed as needing a bedroom for each adult over the age of 16, and eligible for flats only.
- Families with 1 child will be assessed as requiring 2 bedrooms;
- 2 children of the same sex will be assessed as requiring 1 bedroom; however, when the eldest child reaches 16 years, they will then be assessed as requiring 2 bedrooms.
- 2 children of the opposite sex both under age 10 years, will be assessed as requiring 1 bedroom; however, when the eldest child reaches 10 years, they will then be assessed as requiring 2 bedrooms.
- Larger families with 3 or more children will be assessed as above, taking into account numbers, ages and sex of the children.

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

2.12.3 Circumstances which require additional bedrooms may also be:

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

The above will be subject to an affordability assessment at the discretion of the Private Register Provider and liable for the under-occupancy charge where applicable.

2.12.4 Families with children may be eligible for both flats and houses in line with the bedroom entitlement outlined above. There may be properties advertised that are not suitable for some applicants and household members. These properties will be advertised with information to inform applicants of their eligibility.

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



- 2.12.6 Parents may be asked for evidence of residence orders or access arrangements and supporting evidence from other agencies may be required where conflicting information is given. In most cases, the parent receiving Child Benefit will be considered as the principal carer and the person with care and control of the children.
- 2.12.7 Pregnant women with no children will be considered for 2-bedroom properties when they produce their MATB1 Form. Pregnant women with children, upon receipt of the MATB1 Form will have their bed space entitlement recalculated depending on the age of the children within the family as described above. It may be necessary to alter this decision when the new child is born, and the sex of the new child is known.
- 2.12.8 Single Persons or Couples over the age of 55 years will be eligible for 1-bedroom bungalows. Couples over the age of 55 will be eligible for 1- and 2-bedroom bungalows. This will be subject to an affordability assessment including any liability for the under-occupancy charge where applicable. Private Registered Providers do have discretion to be flexible with their management of sheltered housing stock and may reduce the age eligibility criteria. These properties will be advertised with information to inform applicants of their eligibility.

## **2.13 Under Occupation**

- 2.13.1 Properties may be under occupied (i.e. let to households who may not have an immediate need to use all the bedrooms, such as a 2-bedroom house let to a couple) in the following circumstances:
- A pregnant woman, on production of the MATB1 form (see Section 2.10 above) will be treated as a woman with a young child;
  - Lower demand properties to achieve a letting;
  - Properties that are assessed as unsuitable for families e.g. three bed flats in sheltered housing schemes;

In such instances applicants will be requested to provide evidence of affordability before a nomination is considered.

## **2.14 Overcrowding**

- 2.14.1 When assessing overcrowding, NHA will take into account all the people who are currently living within the household, on the condition that these additional people have not deliberately and intentionally moved into the household to create overcrowded conditions. However, for the purposes of housing needs assessments and deciding the requirement for bedrooms, consideration will only be given to those people who are part of an applicant's household.
- 2.14.2 Applicants will be deemed to be severely overcrowded when they are lacking two or more rooms than they would be entitled to under this Joint Policy. Applicants will be deemed to be overcrowded when they have one room less than they would be entitled to under this Joint Policy.
- 2.14.3 Priority will **not** be given for overcrowding if this is the result of deliberate acts or omissions, where people have moved into household to create overcrowded conditions. NHA will consider the reasons and the circumstances surrounding these acts and omissions and will make an assessment as to whether the move into household, which created the overcrowded condition, was both reasonable and justified.

- 2.14.4 If applicants need an extra room for medical or welfare/hardship reasons, they will instead be assessed for medical or welfare priority. If applicants need an extra room for any other circumstances, this will be assessed and NHA will exercise discretion in these cases. Due to the high demand for housing, it is likely that this discretion will only be exercised in exceptional cases.
- 2.14.5 Where the applicant is not the main person who cares for the children named in their housing application, the children may not be taken into account in the assessment of overcrowding.
- 2.14.6 When assessing the “*sole use of bedrooms*”, this will be based both on the declaration within the housing register form, However, where it is deemed appropriate, this self declaration will be considered with an objective assessment as to the *reasonable use of the bedrooms within the particular property*.

## 2.15 The Banding Scheme

- 2.15.1 This Policy uses a Banding scheme to determine priority between applicants. Bids will be organised and prioritised according to the banding placement of the bidders, and within the Band the priority will be determined by the date of the application.
- 2.15.2 Where two or more eligible applicants apply for a property, are within the same Band and have the same date on the Housing Register, NHA will consider which household has the best “fit” for the property with regard to household size. This may include discussion with the relevant Private Registered Provider.
- 2.15.3 The Banding Scheme is set out below;

<b>Priority Band 1</b>
<p>Applicants whose household cannot physically access their accommodation (long term) or those who are in hospital or respite care and have been medically assessed as being able to return permanently to their current home.</p> <p>Applicants owed a “main” homeless duty (see 2.10 above).</p> <p>Applicants who have been accepted as homeless or threatened with homelessness within 56 days where NHA enquiries have established that the personal safety of an applicant or member or their household is seriously threatened, examples are:</p> <ul style="list-style-type: none"> <li>• Applicants who have been assessed as requiring an urgent need to move to alternative accommodation because of serious threat to personal safety, for example, racial harassment, harassment or domestic abuse.</li> <li>• Applicants whose homes are in the Borough and are subject to a demolition order or a prohibition order/emergency prohibition order.</li> <li>• Applicants whose household is subject to a serious safeguarding concern and is evidenced an urgent need to move or there is a significant risk or harm.</li> </ul>

### **Priority Band 2**

Applicants who have been assessed as qualifying for the Relief Duty who would be owed or likely to be owed the main duty when the Relief Duty comes to an end. This is because they are or likely to be in a **priority need and unintentionally homeless** in accordance with the Homelessness Reduction Act 2017.

### **Priority Band 3**

Applicants who have been assessed as qualifying for the Relief Duty who would be owed or likely to be owed the main duty when the Relief Duty comes to an end. This is because they are or likely to be in a **non-priority need and homeless** in accordance with the Homelessness Reduction Act 2017.

### **Priority Band 4**

Applicants who are threatened with homelessness and owed the Prevention Duty and are likely to be assessed as unintentionally homeless if both the Prevention Duty and any subsequent Relief Duty comes to an end.

Applicants who are overcrowded and need 2 or more extra bedrooms and who have not been assessed as deliberately worsening their housing situation.

Applicants or a member of their household who are seriously affected by their health and/or mobility and where living in their current accommodation is having a serious adverse effect on the health or welfare of the person concerned. This will be termed as Major Medical Award.

Applicants where move on accommodation is required from supported housing and this is backed by a clear plan from the support provider and there is an agreed protocol in place (see 2.16 below).

Applicants who are Social Housing tenants and under-occupying their property by 2 or more bedrooms. Priority will be given to applicants downsizing to another property managed by their current landlord.

Applicants who are Social Housing tenants who have been assessed and notified of the end of their fixed term tenancy due to inappropriate size of the accommodation.

### **Priority Band 5**

Applicants who are overcrowded and need an extra bedroom and who have not been assessed as deliberately worsening their housing situation.

Applicants or a member of their household who are affected by their health and/or mobility and where living in their current accommodation is having an adverse effect on the health or welfare of the person concerned. This will be termed as Minor Medical Award.

Applicants who are social housing tenants who are under-occupying their accommodation by 1 bedroom or have an adapted property no longer required.

Applicants who have a social need to move such as care or support, employment, relationship breakdown and affordability as assessed by NHA.

Social housing tenants who are requesting a transfer to the Borough and have a right to move to be closer to employment or take up an offer of employment.

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

#### **Band 6 (Reduced preference)**

Applicants who have been assessed as having a reduced priority under the Policy because of unacceptable behavior and non co-operation including homelessness applicants owed a homeless prevention and/or relief duty (see 2.10 above).

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

Applicants with no local connection who are 55 years and over are eligible for sheltered accommodation only

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

## **2.16 Medical and Welfare Assessments**

- 2.16.1 Where an applicant requests priority based on a medical condition, this will only be taken into account where the medical condition is being made worse by the particular accommodation that the applicant resides in. Applicants will be required to complete additional medical questions and provide evidence to support their application.
- 2.16.2 Where the applicant or a member of their household cannot physically access their accommodation (long term) or those who are in hospital or respite care and have been medically assessed as being unable to return permanently to their current home will be assessed as Band 1.
- 2.16.3 Applicants or their household who have been assessed as requiring a Disabled Facilities Grant (DFG) but moving would be a more efficient way to meet their needs will be assessed under the homeless legislation and awarded a homeless preference band based on their specific circumstances.
- 2.16.4 A Major Medical award is where the applicant or a member of their household are seriously affected by their health and/or mobility and where living in their current accommodation is having a serious adverse affect on the health of the person concerned, they will be placed in Band 4. This will apply to customers who have limited mobility and are unable to move around their home, or to access the facilities in their home (e.g. for bathing, toileting) without great difficulty. Their health problem is likely to be a significant or chronic condition.
- 2.16.5 A Minor Medical award is where the applicant's (or a member of their household) current accommodation is having an adverse affect on the health or welfare of the person concerned and/or is causing serious hardship, they will be placed in Band 5. This will apply to customers, who are more mobile and can move in, out and around their home, but their health is unlikely to improve, and they will need alternative accommodation in the longer term. This may also apply to applicants who are needing to

move to a particular locality and failure to do so would cause hardship to themselves or others.

- 2.16.6 Applicants who have been awarded a medical reason will only be nominated for a property that matches their requirements as certain properties may be adjudged by Private Registered Providers as not being suitable for their needs.

## **2.17 Moving on from supported housing accommodation**

2.17.1 Residents in short term funded supported accommodation in the Staffordshire and Stoke-on-Trent areas, and other agencies if appropriate, will receive additional preference when they register with NHA, when the following conditions are met:

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

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

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

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

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

- Applicants wishing to move from supported housing accommodation without a move on date will be placed into Band 5.
- Applicants where move on accommodation is required from supported housing and this is backed by a clear plan from the support provider and there is an agreed protocol in place will be placed into Band 4.
- Where an applicant is moving on from specialist domestic abuse supported accommodation and it can be evidenced that it would be unsafe to return to the District of their previous origin, discretion may be used by the Senior NHA Officer, on a case by case basis, to override the requirement for a local connection in line with the special circumstances highlighted in Section 2.8.3 above.

## **2.18 Home visits**

2.18.1 Home visits may be carried out to access and verify some applications where appropriate.

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

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

3.1.1 Housing Register applications will be reviewed every 12 months and applicants will be contacted to attempt to ensure that information recorded on the Housing Register is relevant and up to date. Applicants will be asked to re-register their application, those who do not respond to the request within 28 days of the notification will be cancelled.

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

3.2.1 Applications may be restricted on bidding on properties in certain circumstances such as:

- Where the applicant or a member of the household is found to have a history of serious unacceptable behaviour.
- Failure to update their application following a review (see Section 3.1 above).
- Failure to engage with NHA / provider or provide information requested.

3.2.2 Applicants can still register, however if the application is excluded from the Register where the applicant or a member of the household is found to have a history of serious unacceptable behavior then the application will be restricted so no bids can be made on any properties. Any subsequent exclusion from the Register will be notified to the applicant in writing. The applicant will have a right to request a review of the decision in this respect. The review will be undertaken by the Senior NHA Officer.

3.2.3 In exceptional circumstances, where an application has been closed and the applicant has appealed the decision, an application may be reinstated with the original registration date, if it is considered reasonable to do so by the Senior NHA Officer. Where the application has been cancelled, the applicant will be required to register a new application, however the original registration date will be reinstated.

### **3.3 Confidentiality**

3.3.1 Details relating to each applicant, including the fact of their registration will be kept confidential. Information about an applicant and/or member of their household, or the progress of their application, may not be passed to anyone who is not the applicant, without their permission. This permission should preferably be in writing. The General Data Protection Regulation (GDPR) as it applies in the UK, tailored by the Data Protection Act 2018 and Section 166 of the Housing Act (1996) (and superseding legislation) will be adhered to through the NHA service on behalf of the Council. The Council and organisations acting as agents on behalf of the Council, have the right to access personal data, in accordance with the above.

3.3.2 Applicants will be asked to agree to information sharing with relevant agencies, for example, Private Registered Providers, the Council's Housing Benefits Department, the County Council's Adult Social Care and Children and Families Service, Probation and a range of voluntary and statutory agencies where this is necessary.

3.3.3 Issues relating to child protection or community safety must, however, always take precedence over confidentiality. Similarly, if there is evidence

to suggest that the applicant is involved in criminal activity and /or fraudulently claiming welfare benefits, this information will normally be disclosed to the relevant agency.

- 3.3.4 Applicants are entitled to see their files if they wish to do so in accordance with the Council's Data Protection Policy. Any enquiries about the Council's use of personal data or requests for an access request under the Data Protection Act should be made to the Data Protection Officer at Newcastle-under-Lyme Borough Council, further information can be found at <https://www.newcastle-staffs.gov.uk/all-services/advice/data-protection>

If the file contains information from third parties, for example letters from doctors, other agencies or individuals, each third party must be contacted for their consent before these documents are made available to the applicant.

### **3.4 Verification of details**

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

### **3.5 False information**

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

will notify the landlord and supply appropriate evidence, which may be used in possession proceedings at Court.

### **3.6 Deferral of applications**

3.6.1 Applications may be suspended or offers of accommodation withheld or bypassed in certain circumstances, pending a decision on eligibility or assessment of need. Such circumstances may include:

- Providing false information in relation to the application
- Withholding of information that is reasonably required in order to process the application, such as a landlord's reference or care assessment.
- Failure to provide necessary proofs in the required timescales see 3.4.1.
- Failure to contact to verify application within the required timescales.

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

### **3.7 Serious offenders**

3.7.1 Applicants must disclose all unspent convictions during the application process. PRPs have a responsibility to provide housing which will minimise the risk to the community.

3.7.2 NHA will work with the Police and Probation Services to assess and manage risk and will apply special arrangements where cases are referred through either the Multi-Agency Public Protection Arrangement (MAPPA) Panel or the Probation Protocol. NHA may invite Private Registered Providers to attend case conferences with the Police, adult social care and health professionals. A planned and managed relocation pathway should be agreed, including a full discussion of a range of housing options which is most appropriate to the customer's circumstances and supervision needs.

### **3.8 Information about new vacancies**

3.8.1 Information will be published, on forthcoming available properties to which the Council has nomination rights, and some properties owned by PRPs and private landlords.

3.8.2 Health, Social Care Services and Voluntary Sector professionals will also be able to access the above information where customer consent has been given. NHA will work with these partners to ensure that their client group has access to their application so that they can bid on behalf of the customer or contact NHA to discuss their application.

3.8.3 Customers can use the information to bid for properties. A bidding deadline date will be published on each property advert. When this date has passed all bids will be listed in an order based on the customer's housing need,



(band) and registration date. This list will then be used to determine who will be made the offer of accommodation. NHA verify applicants on the shortlist and inform the provider.

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

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

These will be monitored to ensure fairness and transparency, whilst meeting the nomination requirements of all other applicants.

### **3.10 Rights of Review**

- 3.10.1 Applicants who want to request a review of a decision that has been made about their housing application or allocation decision should ask for this to be done by writing to the Senior NHA Officer as per the Allocations Appeals Policy.
- 3.10.2 Applicants can make a complaint or express dissatisfaction with the service to any member of staff who will ensure that this is recorded and investigated and that they are advised of the action taken. The Borough Council operates a formal Corporate Complaints, Comments and Compliments Policy. Applicants who want to make a complaint or comment about Council services including NHA can use this. If the complaint is regarding a decision made by the Private Registered Provider, for example a refusal of an applicant for a property where they were accepted on the Housing Register the complaint should be dealt by the housing provider directly.

Each complaint has an escalation route to the relevant Ombudsman.

### **3.11 Review**

- 3.11.1 This Policy will be reviewed every 2 years by the Council and Aspire Housing. This will enable the review of operational data to;
- determine the success of the Policy to date
  - identify any areas for improvement
  - identify any blockages for service users
  - consider changes in legislation and/or case law
  - consider recommendations from government policy and guidance regarding the allocation of social housing.

The next Policy Review is due in January 2022.