



# **Tees Valley Common Allocations Policy**

## **Tees Valley Choice Based Lettings Partnership**

*'To provide increased choice in housing to residents in the Tees Valley and help to create sustainable, mixed communities where people choose to live.'*

Middlesbrough Council / Stockton on Tees Borough Council / Redcar & Cleveland Council / Hartlepool Borough Council / Darlington Borough Council / Erimus Housing / Tristar Homes / Coast & Country / Housing Hartlepool

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# **Glossary of Terms**

## **Accessible Properties**

Accessible properties are homes which have been designed or significantly adapted to meet the needs of people with physical or sensory disabilities e.g. major changes to bathing facilities and/or access into or within the property

## **Advocate**

A responsible person who has been given approval to 'act' on behalf of an applicant e.g. support worker, family member

## **Applicant**

A person who applies to register on the choice based lettings scheme, including tenants of a local authority or a housing association.

## **ALMO – Arms Length Management Organisation**

Council Housing that is still owned by the Council but managed on its behalf by an independent organisation.

## **Bands**

The system for setting out the order of priority in which applicants will normally be considered.

## **Bidding**

Where registered applicants express an interest in an advertised vacancy. In this context bidding has nothing to do with money or contractual rights to the property.

## **CBL - Choice Based Lettings**

A system for letting affordable housing, supported by the government and the Housing Corporation, which allows housing applicants more choice by advertising vacancies and inviting applicants to express interest in being the tenant.

## **Common Allocation Policy/Common Housing Register**

A single set of rules and procedures covering the way lettings to properties will be made, shared by all the partner organisations.

## **Cumulative Need**

More than one housing need has been identified in the reasonable preference categories.

## **Local Connection**

Connections to a particular area within a local authority boundary because of residency, employment, close family or a main source of support.

**LSVT – Large Scale Voluntary Transfer**

Former Council Housing which has been transferred to a housing association or housing company following a ballot of the tenants.

**Partner Organisation**

A landlord that advertises 100% of their vacancies in the Tees Valley sub region through the choice based lettings scheme.

**Priority Band Date**

The date when the applicant was placed in a Priority Band, which is a later date than the date on which the application was originally made.

**Reasonable Preference Category**

The phrase used in the Housing Act to describe those types of housing need that should be given priority in a local authority's allocations policy.

**Registration Date**

The date the application is received by one of the partner landlord's – this date may be used as a tie-breaker to decide who receives an offer of accommodation.

**RSL – Registered Social Landlord**

A housing association or housing company registered with the Housing Corporation.

**Sub-regional Partnership**

A group of local authority areas working together; in this case the Tees Valley area.



## Section 1 – Introduction and background

### 1.1 The Tees Valley Sub-Regional Choice Based Lettings (CBL) Partnership

This document sets out the housing allocation policy for the Tees Valley CBL Partnership. This represents a completely new approach to selecting new tenants for Council and housing association properties. It also offers applicants other options for meeting their housing needs, if they do not have sufficient priority to be rehoused quickly.

The new policy, which will be shared by the partners, will transform the way housing is let making it more responsive to applicants needs by letting them choose from available properties. As well as offering improved choice the new policy will also:

- Provide a one-stop-shop for housing applicants in the Tees Valley
- Ensure consistency in the way in which applicants are treated by all the partner organisations
- Give help to people needing to move from one local authority area to another
- Help to tackle homelessness and its causes in the Tees Valley region.

This policy has been developed by the Tees Valley CBL Partnership (referred to as ‘the partnership’ throughout this document). The partnership is made up of the 5 local authorities and their partner organisations that either own or manage the housing stock on their behalf. The following local authorities and their partner organisations have all signed up to the Tees Valley Sub-Regional CBL scheme (sometimes referred to as ‘the scheme’ in this document) and have agreed to let their vacant properties in accordance with its policy:

- Middlesbrough Council
- Stockton-on-Tees Borough Council
- Redcar & Cleveland Borough Council
- Hartlepool Borough Council
- Darlington Borough Council
- Erimus Housing (Large Scale Voluntary Transfer Landlord for Middlesborough)
- Tristar Homes (Arms Length Management Organisation for Stockton-on-Tees)
- Coast & Country Housing (Large Scale Voluntary Transfer Landlord for Redcar and Cleveland)
- Housing Hartlepool (Large Scale Voluntary Transfer Landlord for Hartlepool)

The contact details for all of these organisations are listed in Appendix 1.

As well as the landlords of transferred council housing there are other housing associations and housing companies (sometimes referred to as RSL's) operating in the region. These RSL's were represented in the development of the policy to ensure their views could be taken into consideration. A proportion of their vacant housing stock will also be advertised through the scheme in accordance with this policy and in line with the nomination agreements, which exist between them and their local authority partners.

These traditional RSL's have agreed so far to provide a proportion of their housing vacancies for the scheme, and the partnership will continue to work with them to improve and develop the scheme so as to maximise the number of properties that are advertised to applicants in the future.

## **1.2 Our vision for the service**

*'To provide increased choice in housing to residents in the Tees Valley and help to create sustainable, mixed communities where people choose to live.'*

The partnership aims to ensure that new applicants, and existing tenants applying to transfer to a new home, are provided with a first class housing service, which gives them an active role in choosing a home which best suits their long-term housing needs and aspirations.

We will achieve this through the provision of a comprehensive housing advice service, covering a whole range of housing options across the Tees Valley. Local authorities and housing providers will work in partnership to widen the housing choice that they are able to offer and to support all applicants, including those who are vulnerable, to choose where they want to live.

The partnership is committed to tackling homelessness across the Tees Valley and will continue to review all policies and practices to ensure that they contribute to meeting this aim. The partnership will work together with other voluntary and statutory organisations to share good practice and develop initiatives that will help people find solutions to their housing problems and prevent homelessness wherever possible.

We believe this policy will have a positive impact in the creation of thriving, mixed, safe and sustainable communities across the Tees Valley, through a consistent, co-ordinated and joined-up approach to delivering a high quality lettings service.

## **1.3 Aims and objectives**

The shared aims and objectives of this policy are:



- To meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) and Homelessness Act (2002) ensuring that those with the greatest housing needs have those needs met more quickly;
- To let our homes in a fair and transparent way through empowering applicants and supporting them to make informed choices about where they want to live;
- To provide improved services for vulnerable people who may find it difficult to apply for housing and offer continuing assistance to them in maintaining a successful tenancy;
- To improve local, regional and national mobility and to encourage balanced and sustainable communities;
- To make efficient use of the social housing stock in meeting housing needs; and
- To assist local authorities in preventing and reducing homelessness.

## **1.4 The Tees Valley Common Housing Register**

The Common Housing Register (referred to as ‘the Register’ throughout this document) is a key part of the scheme. The Register is a single list of all the applicants who have applied for and been accepted on to the scheme. People who apply to join the Register will have the benefit of applying to all the partner organisations within the partnership, unless they make clear otherwise. This means applicants need only apply once to be considered for vacancies across the whole of the Tees Valley.

Chapter 2 sets out who is eligible to join the Common Housing Register.

## **1.5 Statement on Choice**

The policy has been drawn up to offer a choice of housing options to the widest number of housing applicants, including those with specialist needs.

Applicants will be given the opportunity to express their choice of accommodation and this choice will be maximised to cover a wide range of housing options, including RSL vacancies, private rented vacancies, mutual exchanges and low cost home ownership options.

The policy meets the statutory requirements for the allocation of social housing by ensuring that reasonable preference is given to those with the most urgent housing needs.

The partnership will advertise the majority of their vacant stock through The scheme and advice and assistance will be given to applicants to allow them to make informed choices about the type of accommodation which best meets their housing needs and aspirations.

The partnership is committed to ensuring that their approach to letting properties is fair, accountable, provides equality of opportunity and Maximizes the potential for making best use of all the available housing.

The property adverts will include good quality information about the property attributes, together with information about the local neighbourhood, to enable applicants to make informed decisions about which accommodation they want to be offered. The information on the website will also include links to other useful websites.

## **1.6 Our commitment to sustainable communities**

A key aim of the partnership is to create communities that are balanced, safe, inclusive and sustainable, whilst encouraging community cohesion. To achieve this aim, a proactive approach will be adopted where areas have the potential to fail. If the sustainability of a particular location is threatened, the relevant partner landlord will consider all evidence, which may come from a variety of sources including sustainability assessments and the concerns from housing staff, residents and other key stakeholders.

It is important that the partnership has the ability to operate the policy in a way that supports the long term needs of communities, to have balanced and sustainable populations. This will mean that properties will be advertised on a % basis to each band to ensure that people in all bands have the opportunity to access accommodation. The % of properties advertised to each band will be decided by the individual partner organisations, according to their local housing market conditions.

Where a sensitive letting is needed or where the balance in a particular area needs to be redressed, some property adverts may be limited to specific types of tenants. This action will only be taken in exceptional circumstances and only when there is clear and convincing evidence.

However dependent on the scale and nature of the issues, one or several properties may be advertised in this way. The relevant partner organisation will retain the evidence as to why this action was taken and the outcomes will be made available when the lettings results are published to ensure openness and transparency.

To ensure that the statutory requirement is fulfilled, the policy aims to ensure that the greatest proportion of lettings will be made to those in the reasonable preference categories.

## **1.7 New housing developments**

The partnership is committed to providing high quality homes where people want to live and will continue to provide new housing

developments where the financial resources are available. The partnership recognises that newly built properties that are a product of regeneration or restructure schemes may have certain restrictions placed on them when they are let for the first time. This may be dictated by targets set for the development by funders of the scheme and will mean that the property adverts may be targeted at specific groups of tenants e.g. where displaced residents have priority for new housing stock in a particular regeneration area. All lettings in these circumstances will be published to ensure openness and transparency.

## **1.8 Equality and fairness**

The partnership will ensure its policies and practices are non-discriminatory and will aim to promote equal opportunity by preventing and eliminating discrimination on the grounds of gender, colour, race, religion, nationality, ethnic origin, disability, age, HIV status, sexual orientation or marital status. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals and officers will be trained to a high standard in valuing and promoting equality and diversity in the delivery of the lettings service. The partnership will take measures to ensure that people with disabilities have equal access to housing opportunities with the population as a whole.

The impact of the policy will be monitored, to ensure that it promotes equality of opportunity to individuals and minority groups. In order to achieve this, all applicants will be asked to provide details of their ethnic origin and any other demographic information will be collected when they apply to join the Register.

The partners will ensure that all potential applicants have equality of information about the service and equal opportunity to apply, bid for and receive offers of accommodation. We will do this by:

- Advertising the service widely in a variety of accessible media;
- Providing practical assistance to those who may have difficulty in understanding the requirements of the system;
- Providing practical assistance, in the applicants preferred way, where the applicant may have difficulty completing the paperwork;
- Providing tailored assistance to those who may have difficulty bidding for properties, including placing bids on their behalf, if that is necessary; and
- Monitoring the profile of those who are applying and making bids to ensure that minority and hard to reach groups are actively engaged in the service.

## **1.9 Meeting our obligations**

This policy has been developed with regard to the codes of guidance issued to local housing authorities in England, in exercising the functions under 167(1A) and 167(2E) of the Housing Act 1996.

The partnership will ensure that the policy is compatible with obligations imposed by other existing legislation, in addition to Part 6 of the Housing Act 1996 as detailed below; this list is not exhaustive.

- The Race Relations (Amendment ) Act 2000
- The Disability Discrimination Act 1995 (as amended 2006)
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- Children Act 1989
- Data Protection Act 1998
- Crime & Disorder Act 1998
- Homelessness Act 2002
- The Equality Act 2006

This policy also takes into consideration the following guidance:

- Audit Commission - KLOE 7: Allocations and Lettings
- Commission for Racial Equality (Code of Practice on Racial Equality in Housing – September 2006)
- The Housing Green Paper - Quality and Choice (A Decent Home For All - July 2000)
- The Code of Guidance (Allocations - November 2002)
- The draft Code of Guidance (Choice Based Lettings - January 2007)
- Shelter's Good Practice Report (A Question of Choice - June 2005)

In addition, the partnership will ensure that the policy is compatible with local, sub-regional and regional housing strategies, together with existing homeless strategies across the sub region.

## **1.10 Advice and information**

A clear summary of the scheme will be made available to all applicants on registration. The full copy of this policy is available on request from any of the principal offices of the partners or it can be downloaded from the website ([www.compasscbl.org.uk](http://www.compasscbl.org.uk))

Information about the scheme will be provided in a range of formats and languages to applicants upon request, to ensure that all have equality of opportunity in accessing the service.

To ensure that everyone can access the service easily, advice and information will also be provided to applicants through a variety of means, including telephone, interactive website, scheme guide, targeted mail-shots and in person at any one of the partners' housing service reception points.

Applicants who do not have internet access can visit their local housing office or other locations offering internet facilities e.g. libraries, internet cafes etc.

A free newsletter, which provides details of the advertised vacancies, will be freely available at the partner organisations reception points or it can be downloaded from the website by applicants or professional organisations.

Our staff will at all times give impartial advice to all applicants needing help with how to use the service. Staff will also offer a sensitive service to those who are personally vulnerable and may need additional help. We also aim to provide targeted support to those applicants in the priority bands (1+, 1 and 2) to help them resolve their housing needs.

For those applicants that may have to wait a considerable time before being successful in bidding for accommodation, information and advice about other affordable housing options will be provided e.g. other social landlords, private sector renting, low cost home ownership options and mutual exchanges.

Where appropriate applicants will be put in touch with other agencies or departments offering a wide range of housing solutions to those in need e.g. 'Staying Put' services for elderly or disabled people wanting help to remain in their current home, Disabled Persons Housing Service (DPHS) and other Housing Options services across the sub-region.

## **1.11 Monitoring**

To ensure that the aims and objectives of this policy are met and that overall, priority for accommodation is given to those in the reasonable preference categories, the partnership will ensure that robust monitoring arrangements are in place to monitor lettings outcomes.

Applicants' satisfaction levels will also be monitored in order to identify any improvements to the scheme in terms of ease of access to the service and the quality of information and advice they receive. This will include measuring the satisfaction of minority groups and others who are considered hard to reach, and taking action where necessary to ensure good levels of satisfaction with services are achieved.

The outcomes of lettings will also be monitored to ensure that all minority and hard to reach groups have equality of opportunity in accessing the scheme and that lettings are broadly proportionate to the profile of communities.

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

The partners will continue to build upon the existing information sharing protocols that are in place within their local authority boundaries and where appropriate, these protocols will be developed further across the sub region to ensure consistency in sharing information with other statutory and voluntary organisations.

All information received relating to an applicant's housing application will be treated as confidential in accordance with the Data Protection Act 1998. Information will only be shared in accordance with each partner's Data Protection registration and the consent given by applicants as part of the application process. Information will not be given to third parties unless consent has been given by the applicant; however consent will not be required where there is a public safety interest.

Where an applicant's disability or their ethnicity means that they have difficulty communicating directly themselves, their informed consent will be obtained before using advocates or interpreters to communicate on their behalf.



## Section 2 – Joining the Common Housing Register

### 2.1 Who can apply?

Anyone over the age of 16 years can apply to have their housing need registered. They do not need to have an existing connection with the Tees Valley area although in most cases priority for lettings will be given to local applicants (see section 4.8). Applicants aged 16 and 17 years will have their housing and support needs assessed with other agencies to ensure they are suitable to be tenants.

At the start of the new Register, all existing applicants who want to participate in the scheme will be re-registered.

### 2.2 Applicants not eligible for council housing or council nomination.

Applicants on the Register who wish to bid for council owned properties or be nominated by a council to be a tenant of a housing association need to meet the requirements of section 160A of the Housing Act 1996. This deals with the immigration status of people who have come to the United Kingdom from abroad. The Allocation of Housing Regulations 2002 set out who is eligible for assistance.

People who are not eligible to apply for housing under section 160A of the Housing Act 1996 (and any subsequent legislation) will not normally be considered for vacancies under this scheme. However, applicants who are disqualified from housing under section 160A of the Housing Act 1996 can be registered and considered for offers of accommodation outside this scheme by Registered Social Landlords; provided they have the financial means to maintain rent payments and are not guilty of any behaviour which would make them unsuitable to be a tenant.

### 2.3 Applications not accepted due to unacceptable behaviour

Under s.160A (7) of the Housing Act 1996, any applicant (or a member of their household) who is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant, can be refused registration. In most circumstances this means anti-social behaviour towards neighbours or significant rent arrears over a long period of time. Applicants in these circumstances will be assessed according to the current legislation and statutory guidance.

**Note:** Applicants who have a history of less serious unacceptable behaviour e.g. low-moderate rent arrears, will be accepted to allow them to participate in the scheme; however until a positive change in behaviour can be demonstrated, they will be overlooked for offers of

accommodation where there are other competing applicants with a similar level of need and they have a record of good behaviour.

The full policy for dealing with applicants who have a history of unacceptable behaviour is attached as Appendix 2.

## **2.4 Joint applications**

Joint applications will be accepted, provided all applicants are eligible, aged 16 or over and intend to occupy the property together as their only or main home. The joint application will be assessed and placed in a priority band using the details of the household with the greatest housing need. The housing needs of all the household members that are registered on the application will be considered in assessing cumulative needs. See section 3.3

## **2.5 Multiple applications**

Multiple applications are not allowed. If an application is already registered, the applicant must decide which application they want to keep. The other application will be deleted. This will also apply to people who are registered as the main applicant on more than one application, including any joint applications.

## **2.6 Requests to transfer to another home**

Existing council or housing association tenants can apply to move and will have their priority assessed in the same way as other applicants. However, some transfer moves are exempt from the requirements of Part 6 of the Housing Act 1996 and will be dealt with separately. This includes assignment or succession by relative and mutual exchanges (i.e. assignment by way of an exchange of tenancies).

## **2.7 Applications from employees / members and their close relatives**

Applications can be accepted from employees, elected members, board members and their close relatives, provided they are eligible to apply and subject to the rules in Schedule 1 of Housing Act 1996. Applicants must disclose any such relationship at the time of applying. In order to ensure transparency and impartiality, employees, elected and board members must not attempt to apply any undue influence in the handling of their application or an application from friends or close relatives. In these circumstances approval must be given prior to an offer of accommodation being made, in accordance with the procedures of the relevant partner organisation.



## 2.8 How to apply

We will make it easy for applicants to join the Register by completing only one form to be considered by all the partners. This can be done on-line by accessing the website or by completing an application form available from any of the partner organisations' reception points. Advice and support in completing the form can be provided on request, particularly for those who would have difficulty in completing the form because of a disability or a low level of literacy. A member of staff will work through the questions on the form with the applicant and if necessary write down the answers they give.

When applying to register, applicants will be asked to provide two forms of identification e.g. a driving license, passport or bill from an electric, gas or water supplier. Applicants will also be asked to sign a declaration of consent to allow enquiries to be made about their eligibility for housing and level of priority.

Where applicants are unable to provide identification information, then their named advocates or support agency will be contacted. Applicants will be asked to sign a declaration of consent to allow an advocate to act on their behalf.

Existing or previous tenants may be asked to provide a reference from their current or previous landlord. Alternatively, a character reference may be requested from a professional person who has known the applicant for at least 2 years, if the applicant has not previously held a tenancy.

The purpose of the application form is to correctly identify the priority band and establish whether the applicant has any needs that require additional support and help in applying for housing. See section 2.9

On registration, applicants will be written to and given:

- Their Registration Date
- The Band they have been awarded
- A Priority Band Date if different from the registration date (for those in Bands 1+, 1, and 2)
- Their Username and Password for the website

Applicants must check the accuracy of this information as it will be used to decide their priority for receiving an offer of housing.

The applicant's **Registration Date** is the date the application is received by the partner landlord and the **Priority Band Date** is the date an application is moved up to one of the priority bands where a housing needs assessment concludes they are entitled to reasonable preference. See section 3.

If an application is moved down a band as a result of changed circumstances, the original registration date will be used for those moving to Bands 3 or 4 and the date the assessment is concluded will be used as the priority band date for those moving to Bands 1 or 2.

All applicants will be sent a summary of the scheme and information about other housing options available to them. The scheme summary includes:

- How to find out about available homes
- How applicants are banded
- How to bid for advertised properties
- How the selection process works
- Who to contact for advice and information
- What checks will be made before an offer is confirmed
- The type of property for which they may be eligible
- Information which can be used as an indicator for how long they may have to wait for an offer
- How to request a review of decisions and any facts of the case that are relevant to the review decision

## **2.9 Vulnerable applicants**

A key objective of the partnership is to provide improved services for vulnerable people who may find it difficult to apply for housing and to offer them continued assistance by identifying suitable support packages to help them maintain a successful tenancy.

The application form is designed to help the partner organisations identify vulnerable individuals, their preferred method of contact, their preferred accessible format and language and what level of assistance is currently available and from which organisations. This information will be used to help the partner organisation decide what level of support they are likely to require. Examples of the types of people who may have difficulty in accessing the scheme include: older people; young people who may be at risk; people with literacy problems; people with learning difficulties; people who have issues with substance misuse (drug or alcohol); people with mental health problems; people with physical disabilities or sensory loss; people who are sleeping rough; people who are facing a crisis in their lives (victims of domestic abuse or hate crimes); people whose first language is not English; the gypsy and traveler community;

Where a vulnerable applicant identifies a named advocate on the application form, they must give informed consent to allow the advocate to act on their behalf. This consent will enable the advocate to bid on suitable properties on behalf of the applicant and will allow them to give or receive information. An advocate could be a friend, relative, member of the community or a professional from a statutory or voluntary organisation.

An application from a vulnerable individual may be submitted and deferred until the joint assessment between the partner organisation and the professional body working with the individual concludes that they are ready for independent living or until a suitable support package has been identified.

The review of the scheme will highlight applicants that are not bidding and this will be used as an indicator to identify vulnerable applicants who may need additional support or assistance.

The IT system will automatically place bids on suitable properties on behalf of vulnerable applicants who have been highlighted as requiring this facility. The individual's assessed needs and requirements will be identified in deciding which properties are suitable.

## **2.10 Homeless applicants**

A key objective of the partnership is to assist the local authorities in preventing and reducing homelessness by providing a range of housing options through CBL.

Where an applicant presents as literally homeless or threatened with homelessness, robust advice and information will be provided at the first point of contact and every effort will be made to resolve their housing situation.

If an applicant is assessed as being homeless **within 28 days** and they are eligible for assistance, in priority need and not intentionally homeless, they will be found to be statutorily homeless and will be entitled to one reasonable offer of accommodation, which will be made in accordance with sections 193(7) and 202 of the Housing Act 1996, meaning that the offer will be made in writing and will be subject to the right of appeal. Applicants who are statutorily homeless will be placed in Band 1 and will be expected to bid for all suitable properties that have been advertised.

Applicants who are statutorily homeless will be frequently reviewed to ensure they are bidding for suitable properties. If applicants have not been bidding, their officer will contact them at a suitable period of time to establish the reasons why and to address any need for further advice or assistance to enable them to participate effectively in the scheme. The partnership reserves the right to place bids on behalf of statutorily homeless applicants after an 8 week period, where a number of suitable vacancies have been advertised and bids have not been made. The homeless duty will be discharged if an offer is made as a result of a successful bid on a suitable property.

If an applicant is assessed as meeting all the relevant criteria for being statutorily homeless, but **within a 90 day period**, the partner organisation will explore a number of options to prevent homelessness from occurring. Applicants in these circumstances will be placed in Band 1 as a homeless prevention category and will be frequently reviewed to ensure they are bidding for suitable properties. If the applicant has not been bidding, the officer will contact them to establish the reasons why and to address any need for further

advice or assistance to enable them to participate effectively in the scheme. The review will also highlight any changes in circumstances as a result of homeless prevention activity, which could alter their homelessness assessment and priority band. A homeless application could be completed at a later stage if the applicant's housing need is not resolved.

Applicants who have made themselves intentionally homeless or who have been assessed as non priority homeless will be entitled to reasonable preference; the same will apply to those who are no longer owed the main homeless duty as a result of turning down a reasonable offer of accommodation that was made in writing and subject to the right of appeal; applicants in these categories will be placed in Band 2.

**Note:** Applicants who have made themselves intentionally homeless as a result of deliberately worsening their own circumstances may be removed from the Register or overlooked for offers of accommodation for a period of 6 months. See section 2.15 and Appendix 3

## **2.11 Changes in circumstances**

It is the responsibility of the applicant or their advocate to notify the Register of any change in circumstances that could affect their application. The application will be re-assessed on the basis of their changed circumstances and placed in the band which reflects their current housing need.

## **2.12 Keeping the Register up to date**

All applicants who have not bid for any properties within a 12 month period will be contacted and asked if they want to remain on the Register. Applicants in Bands 1+, 1 and 2 will be reviewed on a more regular basis to ensure they are not having difficulties with the scheme and to check that they are bidding for suitable properties as they come up. See section 3.5

## **2.13 Cancelling applications**

If an applicant does not respond to the review letter in the given time period, they will be notified in writing that their application has been cancelled. The application will be re-instated provided the applicant makes contact with the relevant partner landlord within 28 days of being notified that their application is being cancelled.

Applications will only be cancelled in the following circumstances:

- A request has been received from the applicant (or their named advocate)
- There is no reply to the review letter in the given time period
- The applicant has been rehoused

- Notification has been received from an executor or personal representative that the applicant is deceased and s/he was the sole applicant
- The applicant's property has been purchased through Right to Buy or Right to Acquire
- An applicant has been assessed as ineligible and refused registration on grounds of their behaviour (see appendix 2)
- It is discovered that the applicant has given false or misleading information in their application.

Applicants will be informed of the reason/s why their application has been cancelled and informed of their right to request a review of the decision. Where a sole applicant is deceased, the executor or personal representative will be contacted where this is known.

## **2.14 Giving false information or deliberately withholding information**

It is a criminal offence for anyone applying for housing from a housing authority to knowingly or recklessly give false information or knowingly withhold information which is relevant to their housing application (Section 171 of the Housing Act 1996).

Anyone found guilty of such an offence may be fined up to £5,000 and could lose the tenancy if they have been rehoused as a result of providing false information or deliberately withholding information.

Applicants, who are found to have made fraudulent claims in this way, will be removed from the Register for a period of 12 months, after which a fresh application can be made. This decision will be subject to review and the applicant (or their named advocate) will be informed in writing of the decision and of their right to request a review of that decision in writing.

The partnership will consider taking action against a professional organisation that knowingly or recklessly provides false information or deliberately withholds information on behalf of an applicant they are representing.

## **2.15 Deliberate worsening of circumstances**

Whilst the Policy is intended to make sure that those with urgent housing needs are rehoused more quickly, it does not want to reward applicants who deliberately worsen their housing circumstances in order to get into a higher band; each case will be assessed individually.

Any applicant who deliberately worsens their housing circumstances will be given a lower priority than other applicants with a similar banding. This means that an applicant will be overlooked for an offer

of accommodation if there are other applicants within the same Priority Band with a similar level of need but who have not deliberately worsened their housing situation regardless of their registration date. Any applicant overlooked for an offer of accommodation in this way will be notified that their priority within the band has been reduced for 6 months, after which time the application will be reassessed. This decision will be subject to review and the applicant (or their named advocate) will be informed in writing of the decision and of their right to request a review of that decision in writing.

## **2.16 Notifications about decisions and the right to a statutory review of a decision**

Applicants have the following rights concerning decisions about their housing application:

- The right to be notified in writing of any decision not to be registered on the scheme because of unacceptable behaviour serious enough to make them unsuitable to be a tenant.
- The right to be notified in writing of any decision not to be registered on the scheme because of immigration control, within the meaning of the Asylum and Immigration Act 1996.
- The right to be notified in writing of any decision not to give an applicant any preference under the scheme because of unacceptable behaviour serious enough to make them unsuitable to be a tenant.
- The right, on request, to be informed of a decision about any information which is being taken into account in considering whether to make an offer of accommodation.
- The right, on request, to request a review of a decision in respect of any of the above. The applicant will also be informed of the decision in respect of the review and the grounds for that decision.

Applicants will be notified of these rights in writing whenever a decision is made that affects their registration or status to receive offers of accommodation and they will be informed of their right to submit further information, which may assist the partner organisation in reviewing their case.

The review will be carried out by the partner organisation that received the original application. The person carrying out the review will be of senior rank to the person that made the original decision and will have had no previous involvement in the original decision.

Where an applicant exercises their further right of appeal after receiving the review decision, the appeal will be heard by the relevant local authority.

## **2.17 Discretionary reviews of decisions**

The partnership reserves the right to carry out non statutory reviews in the following circumstances; this list is not exhaustive:

- Applicants who disagree with the band in which they are placed
- Overlooking applicants for offers because of their unacceptable behaviour
- Overlooking applicants for offers because they have deliberately worsened their circumstances or have made themselves intentionally homeless
- Refusal to give a second direct offer
- To review applicants' circumstances, which are not covered by the lettings policy.

The review will be carried out by the partner organisation that received the original application. Discretionary reviews will be undertaken by a senior officer who was not involved in the original decision; this could be in conjunction with information provided by other statutory or voluntary advice agencies.



## Section 3 – Assessing Housing Need

### 3.1 Legal background

In framing this policy and to ensure that those in greatest housing need are given preference for an allocation of accommodation, the partnership has considered the categories of people that must be given reasonable preference by local authorities, as set out in s167(2) of the Housing Act 1996 and the Homelessness Act 2002. These are:

#### Reasonable Preference

- (a) People who are homeless including people who are intentionally homeless and those who are not in priority need
- (b) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- (c) People who need to move on medical or welfare grounds, including grounds relating to disability
- (d) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)

In addition, section 167(2) gives housing authorities the power to frame their allocation schemes so as to give additional preference to particular descriptions of people who fall within the reasonable preference categories and who have particularly urgent housing needs.

To ensure that local priorities are met, the scheme may provide for other factors, other than those set out in section 167 (2) of the Housing Act 1996 in determining which categories of people are to be given preference for an allocation of accommodation within the scheme, providing they do not dominate the scheme at the expense over those listed in the statutory preference categories as listed in 167(2).

The partnership will ensure that monitoring arrangements are in place in order to monitor lettings outcomes and will review the policy in order to ensure that it meets our key aims and our legal duties.

### 3.2 Assessing housing need

The scheme has been drawn up in accordance with government guidance and to reflect the pattern of housing need in the Tees Valley area.

The scheme has 5 Bands to assess the housing needs of applicants. All eligible applicants will have their housing needs assessed and will be placed in the relevant band, according to their level of housing



need. The applicant's date of registration will be recorded and in the case of those in Bands 1+, 1 and 2, the date they entered the band.

The scheme also identifies applicants who have more than one type of housing need (cumulative needs) and gives them higher priority within each band.

### **3.3 Cumulative needs**

In Bands 1+, 1 and 2 cumulative housing need is taken into account for all household members registered on the application. This means that priority for an offer of accommodation will be given to those applicants with the greatest housing need who qualifying under more than one category. Applicants qualifying under more than one type of need will be highlighted in the short-list and considered before applicants registered with only one housing need category; this means that priority for the offer could be given to an applicant who is ranked further down the short-list.

### **3.4 The priority bands**

Applicants will be assessed and given a priority band in accordance with the following categories of housing need:

#### **Band 1+: Home loss through regeneration (Decants)**

##### **A People losing their home due to a recognised regeneration scheme within any one of the local authorities within the sub-region.**

- This includes council tenants, registered social landlord tenants, private tenants and owner-occupiers living within the boundary of a defined regeneration area who are required to move home.
- People living-in with the main householder/s who require their own accommodation, provided they have lived there, as their sole or main home, for at least 12 months. Proof of residency will be requested e.g. bank statements, verification of housing benefit or council tax records.

*Additional information on priorities and the selection process is given in Appendix 3.*

#### **Band 1: Statutory homeless and homelessness prevention**

##### **A People assessed as statutorily homeless and in priority need**

- People who have been accepted as statutorily homeless and in priority housing need and where the main homeless duty is owed (part 7 of the Housing Act 1996). A direct offer may be made where there is an urgent need because of an imminent risk of violence e.g. hate related

crime. The risk of violence may be substantiated where appropriate by a professional body that is supporting the applicant e.g. police or victim support.

**B People threatened with homelessness within 90 days**

- Applicants who are at risk of homelessness within 90 days, providing an assessment concludes that there would be a statutory homeless duty as defined by law, should a homeless application be taken at a later stage.

**C People at risk of domestic abuse**

- Victims of domestic abuse who have lost their accommodation or who are at risk of losing their accommodation as a result of violence or a threat of violence.

**D People leaving HM armed forces or prison**

- People leaving HM armed forces who are homeless and assessed as institutionalised and who have a local connection to one of the local authorities in the Tees Valley area.
- People leaving prison who are homeless and assessed as institutionalised and who have a local connection to one of the local authorities in the Tees Valley area. The partners reserve the right to use discretion in the range of choice permitted to people leaving prison where this is justified by the type of offence committed.

**E People who need to move on urgent medical grounds**

- Applicants who have been assessed as requiring suitable alternative accommodation because their medical condition and/or disability is having a significantly detrimental affect on their ability to live independently at home.

Examples include:

- People in hospital who cannot be discharged because no suitable accommodation is available.
- People with a serious and debilitating medical condition which is affected by living in their existing home.
- People with a physical or sensory disability which seriously affects their mobility around the home and who have requested a move as an alternative to home adaptations.
- People with a severe and enduring mental health problem whose Care Plan Approach (CPA) identifies a need to move to a particular locality in order to receive care and support.

## **F People who need to move on welfare grounds**

- Applicants with care or support needs, or other social needs which may or may not require ongoing care and/or support.

Examples include:

- People assessed as ready for independent living who need to move as part of an agreed plan to re-integrate into the community e.g. people leaving supported and temporary housing projects.
- People with learning disabilities who are assessed as having to move in order to receive care and support or where their current housing is having a detrimental affect on their quality of life and ability to live independently.
- A household with a child in need (as defined in the Children Act 1989), where a formal referral has been made by Social Services with the aim of safeguarding the welfare of the child or children.
- Children leaving the care of the local authority under the Children (Leaving Care) Act 2000.
- Adoptive parents or prospective adoptive parents who need to move due to their current accommodation being unsuitable or who need to move to a different location to safeguard or promote the well-being of the child or children they have adopted or are planning to adopt.
- People leaving local authority care following a referral from social services e.g. people leaving rehabilitative care to return to independent living.

*Note: It may be necessary to defer offers where a suitable care and support package needs to be put in place or until the applicant's support needs have been assessed.*

*The partners reserve the right to use discretion in the range of choice permitted to people in this category, where this is in the interests of sustainable and balanced communities.*

## **G People living in unsafe or unsanitary housing conditions (as defined by the Housing Health and Safety Rating System (HHSRS)) and there is a high risk of harm**

- People who are occupying private rented accommodation and where the local authority's risk assessment has concluded that the property is uninhabitable and it has a duty to take action.

*In such cases all other housing options will be explored whilst the local authority enters into negotiations with the landlord about carrying out repairs to the property. If the applicant has not been successful on the*

*scheme when the repairs are completed, they will normally be expected to return to the property. If the applicant does not return to the property s/he will be placed in the relevant band as if they had returned.*

**Note:** The partnership will consider owner occupiers under this category if they are elderly, disabled or mentally ill and their property is uninhabitable because it has fallen into serious disrepair and they are incapable of repairing it; this is subject to them not having the income or capital to resolve their housing situation. The relevant partner landlord will involve other professional organisations in carrying out a full needs assessment in resolving the applicant's immediate and long term housing needs.

Examples of unsafe or insanitary housing conditions:

- electrical defects that pose a safety risk
- excessive damp which is affecting the applicant's health
- fire risk
- an infestation of pests which affect the applicant's health and/or safety

**H Social housing tenants of the partner organisations that are under-occupying a house by 2 or more bedrooms**

*Applicants can only bid for properties that fit their household's identified housing need.*

**Band 2: High housing need**

**A People assessed as intentionally homeless or non priority homeless or no longer owed the main homelessness duty**

- People who have been assessed as intentionally homeless or non-priority homeless as defined by the Housing Acts.

**Note:** *In some cases, where applicants have made themselves homeless as a result of unacceptable behaviour, which makes them unsuitable to be a tenant as defined by legislation, they will be removed from the Register altogether or overlooked for offers of accommodation. Refer to Appendices 2 and 3.*

- People who are no longer owed the main homelessness duty as a result of turning down a reasonable offer of accommodation that was made according to sections 193(7) and 202 of the Housing Act 1996.

**B People who need to move due to a high medical need**

- People who have been assessed as having a medical condition or a disability where a move to suitable alternative accommodation would significantly improve their health e.g. frail elderly people who need single level accommodation, or need the support of a resident or mobile warden service.
- People with a medical condition or disability who are assessed as having to move in order to receive care or support will be allowed to bid for homes with an additional bedroom in order to provide sleep-in for a carer, providing the property is not needed to meet the needs of a larger household.

**C People living in overcrowded conditions and are 3 or more bed spaces short of requirements.**

- Overcrowding is assessed on the number of people within the household and according to the best use of bedrooms and sleeping spaces available. See Appendix 3

*A home visit will be carried out by the relevant partner organisation to verify the overcrowded conditions, prior to the applicant being placed in this band.*

**D Social housing tenants of the partner organisations that are under-occupying a house by 1 bedroom.**

*Applicants can only bid for properties that fit their household's identified housing need.*

**E People with a child or children under the age of 10 or women who are 28+ weeks pregnant, occupying accommodation above ground floor level**

- Households with a child or children under the age of 10 occupying flats above ground floor level, provided that the flat is the child's sole or principal home and the living accommodation is on floors 1 to 3. Households with women who are at least 28 weeks pregnant are included.
- Households with a child or children under the age of 14 living in multi-storey flats, provided that the flat is the child's sole or principal home and where the living accommodation is on the 4<sup>th</sup> floor or above.

*Reasonable preference will not be given when the property occupied is designated as suitable for families at a local level e.g. maisonettes*

**F People who need to move on hardship grounds**

- People who need to move to a particular locality within the sub region in order to take up an offer of employment, education or training, or to be nearer to family or friends in order to give or receive support,

providing it is unreasonable to expect them to commute to their place of work from their existing home.

*Applicants will need to provide evidence of their housing need e.g. a letter from their employer or a health professional. Applicants in this category will not need to have a local connection with a local authority in the Tees Valley area.*

#### **G Young people at risk**

- Young people under the age of 25 who are assessed as involved with or at risk of sexual exploitation, substance misuse or offending. The risks must be substantiated by a professional organisation that is supporting the applicant.

*The applicant must accept the support package offered and show a willingness to change their behaviour before being placed in Band 2.*

#### **H People sharing facilities with persons not of the same household**

- People sharing facilities with other people who are not members of the same household i.e. people living in houses in multiple occupation or bed & breakfast. Shared facilities may include a kitchen, bathroom, living room and w.c.

**Note:** gypsies and travellers will be considered under this category if they are sharing outside communal facilities e.g. w.c. or showers

### **Band 3: Other housing needs & efficient use of the housing stock**

#### **A People leaving 'tied' accommodation within the sub region**

- People who work for the partner organisations participating in the scheme and have accommodation provided as part of their terms of employment. For example, resident sheltered housing wardens or school caretakers. The letting agreement or employment contract must state that the accommodation will end when the employment ends.

*An exception to this rule will be displaced agricultural workers who fall within Section 27 of the Rent (Agriculture) Act 1976 as defined by the Code of Guidance – Allocations.*

*Eligible applicants will be moved to Band 1 whilst prevention measures are pursued, once the employer has given formal notice in writing that the accommodation tied to the employment is ending due to no fault of the applicant and providing they would appear likely to be owed the full homeless duty.*

*If an employee has died and the tied tenancy has to come to an end, the remaining household will be placed in Band 1, providing the needs assessment concludes that the full homeless duty would be owed.*

**B People eligible to succeed/assign to a partner organisation's tenancy and who have a need or expressed wish to move to alternative accommodation**

- People who are eligible to succeed to or be assigned a tenancy but have expressed a wish to move to alternative accommodation as the property is not suitable for their needs because of its size or type.

*Eligible applicants will be moved to Band 1 if they are occupying a house with 2 or more surplus bedrooms or Band 2 if they are occupying a house with 1 surplus bedroom.*

**C Relationship breakdown or divorced partners with shared child care**

- People following a relationship breakdown and others who have shared access to children who are occupying accommodation which is insufficient for looking after them.

*An applicant with access to children for less than 50% of the time will normally only be considered eligible for a suitably sized flat, unless a house becomes available for which there is no demand.*

**D People who are 1 or 2 bed spaces short of requirements**

- Applicants who are 1 or 2 bed spaces short of requirements.

*The calculation will use the rules detailed in Appendix 3.*

**Band 4: No or low level housing need**

- People assessed as having no identified housing need or only a low level of need. For example, a person whose current home is adequate to meet their basic housing needs in terms of lifestyle, size, design and location.

**3.5 Reviewing Bands 1+, 1 and 2**

Applicants in the reasonable preference bands (1+, 1 and 2), with the exception of those who are statutorily homeless or threatened with homelessness, will have their applications reviewed every 6 months to check whether their circumstances have changed and they are still entitled to be in this band. This review will also identify which applicants are not bidding on available properties and the reasons why, in the event they need more support in accessing the scheme.

### **3.6 Reviewing statutorily homeless and threatened with homelessness applications**

Applicants who are statutorily homeless or threatened with homelessness will be reviewed on a more frequent basis to ensure they are bidding for available properties advertised on the scheme. See section 2.10

### **3.7 Making direct offers without advertising**

As well as applicants bidding for advertised properties there will also be circumstances in which some applicants will receive direct offers. This will be where a sensitive letting is required because of the applicant's previous history or where there is a particularly urgent housing problem, which is having a serious detrimental effect on the applicant's health or well being.

Applicants needing a direct offer will usually be given a Priority Band that reflects their housing need and will be encouraged to bid for advertised properties. The exception will be where particularly vulnerable people need to be integrated into the community working alongside other statutory and/or voluntary organisations. There will still be an aim to provide choice where this is possible.

Applicants eligible for a direct offer will receive an offer of accommodation, which will either be in their expressed area of choice or an adjacent area. However this will be subject to availability, particularly in areas of high demand and low turnover.

The offer of accommodation will be made in most cases in date order of approval being given for a direct offer. However, where there are particularly urgent housing needs, an offer may be made outside of this order e.g. in the event of an emergency due to fire or flood. Where a reasonable offer of accommodation is refused after a direct offer, the applicant will not lose any priority. The exception will be where a reasonable offer has been refused by an applicant who is owed the main homelessness duty. See section 2.10.

In order to ensure a transparent lettings process, feedback will be provided to the general public when the lettings results are published to show that a letting has resulted from a direct offer without an advertisement.

A direct offer may be made in the following circumstances and in other exceptional circumstances that reflect our commitment to sustainable communities. See section 1.6. The following list is not exhaustive.

- Tenants of the partner organisations that need to move on a temporary basis to allow major repairs to be carried out to their home e.g. fire or flood victims.



- Ex-offenders subject to Multi Agency Public Protection Arrangements (MAPPA), where a full support package is in place with other relevant statutory and voluntary organisations to enable them to be returned to the community.
- People who are at an imminent risk of violence or a threat of violence e.g. victims of domestic abuse, hate related crime or through a witness protection scheme.



## **Section 4 – The Choice Based Lettings Scheme**

### **4.1 Advertising properties on the choice based lettings scheme**

Choice Based Lettings works by allowing applicants to express interest in available properties which are advertised each week. From those applicants responding (bidding), the successful applicant will be decided in line with the priority scheme set out in section 3 of this policy.

The partnership will advertise the majority of their vacant properties as part of the scheme, including properties that have been designed or adapted to meet the needs of disabled or older people.

Each of the partner organisations will have responsibility for preparing the property description and advertising their vacancies on the scheme. Adverts will be clearly labelled to show the property features, local neighbourhood information and the types of household that can bid for it. A photograph will usually be included with the advert.

Properties may be advertised during the previous tenants 4 week notice period, and may be withdrawn from the scheme if the tenant changes their mind about moving.

Some properties will be advertised on behalf of other registered social landlords or private landlords. The adverts will be clearly labelled to state on what basis the successful applicant will be considered, if it differs from the way in which the partner landlords select a tenant for their social housing vacancies. Private landlord adverts will make clear that the partnership is not acting as an agent on their behalf and that the properties advertised will be offered as assured shorthold tenancies so that applicants are clear that their tenancy rights may be limited.

Applicants will be informed at registration what types of property they will be able to bid for. There will sometimes be other restrictions in the advert e.g. where a property is designated for people over a certain age or for people with a particular assessed need for that type of accommodation. Bids from applicants will only count if they can match the requirements in the advert.

### **4.2 Accessible properties for people with disabilities**

Accessible properties are homes which have been designed or significantly adapted to meet the needs of people with physical or sensory disabilities. Accessible homes will be advertised as part of the scheme to ensure that applicants assessed as needing this type of accommodation are given the widest possible choice. This is consistent with the duty to promote disability equality.

Applicants with an assessed need for accessible accommodation will be given priority for accessible accommodation over others in the same Priority Band without that need and the property advert will make this clear. The advert will also describe the accessible features together with local neighbourhood information to help people choose whether to bid for that property or not.

In selecting an applicant for an accessible property from the short-list of qualifying applicants, the full circumstances of each case will be considered when deciding who will be offered the property. In some circumstances priority for the offer may be given outside of date order, if the vacancy is particularly suitable for the needs of an applicant.

Applicants in this category can also bid for properties which do not have accessible features. However, if they are short-listed during the selection stage, the partner landlord will assess whether it is reasonable and practicable to adapt the property for the applicant, in accordance with the Disability Discrimination Act 1995 (as amended in 2006) and other relevant legislation. If it is reasonable and practicable for the property to be adapted, the applicant will be considered for the property on the same basis as the other applicants who have submitted bids.

### **4.3 Housing with care schemes**

**Please note:** Properties which provide extra care facilities under the Supporting People Programme will not be advertised as part of the scheme. In this case, vacant properties will be directly matched to qualifying applicants who meet the eligibility criteria following a detailed assessment into their housing needs by their service providers.

### **4.4 The bidding cycle**

Available properties will be advertised weekly on the scheme's interactive website and in the window displays at the partner landlords' housing offices. A weekly newsletter, which provides details of the advertised properties, will be made available for collection from the partner landlords' reception points or to download from the website.

Applicants (or their advocates) wanting to bid can telephone the automated telephone line or they can speak direct to a member of staff. Bids will also be accepted by e mail, bidding coupon, text message or in person at any one of the partner organisation's housing receptions. Applicants can also place bids directly by accessing the website at home, at work or by visiting locations which provide internet facilities e.g. libraries, internet cafes etc. Advice and support will be provided to applicants who need it, to ensure they are able to use the scheme to bid for properties.

Applicants can bid for up to 3 properties per week. The scheme will tell applicants their position on the list at the time they bid, together with

the total number of bids already placed against the property. This will enable applicants to test their chances of being successful when placing bids against properties they are interested in. Applicants will only be contacted if their bids are successful.

#### **4.5 Advertising similar properties in the same week**

Where there is more than one property of the same description in the same location, only one of the properties will be advertised. The remaining empty properties will be offered to qualifying applicants that have also replied to the original advert. The property advert will show that there are X properties of the same type available at the same time. An example is where there are a number of flats with a similar description available in a multi-storey block or where a new estate has several identical properties on offer.

#### **4.6 Property of the week**

If a property has been advertised at least once and there have been no bids from suitable applicants, the property may be advertised again as 'Property of the Week' with suitable incentives, to encourage applicants to bid for it. The property will be offered to the first applicant that bids for the property on a first come, first served basis, regardless of the Band in which they are placed and providing they meet the criteria described on the property advert.

#### **4.7 Short-listing and selection**

At the end of the advertising period, a short-list of eligible applicants will be produced on the IT system. Where applicants have placed more than one bid, their 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> choice will be highlighted.

Bids will be placed in band order. Applicants in Band 1+ will be ranked first, followed by those in Bands 1, 2, 3 and 4.

Applicants in Bands 1+, 1 and 2 with more than one need category (cumulative needs) will be highlighted in the short-list and given preference for an offer of accommodation over those with a single housing need category in the same band; this could be outside the priority date order.

If there are two or more applicants with a similar level of need qualifying for a property, the date they entered the band will be used as a tie-breaker. If the band date is the same, the date of registration will be used.

If the Priority Band date and registration date are the same and the level of need is similar, the deciding factor will be to give priority for the offer to the applicant whose household best fits the property features.

The tie-breaker for Band 1+ will be the Priority Band date (in accordance with the phasing requirements of the regeneration area). If the priority date is the same, the date of registration will be used. If the priority date and date of registration is the same, the current tenancy start date or commencement of owner occupation will be used.

A local connection to the local authority and the behaviour of applicants will also be taken into account in deciding priority for an offer of accommodation. See section 4.8 and Appendices 2 and 3

Where properties are targeted at specific applicants, they will be given priority for that type of accommodation e.g. accessible accommodation for people with disabilities or new build properties where certain eligibility rules apply for first lets or where there are sustainability issues.

## **4.8 Local connection**

Applicants will be counted as having a local connection to a local authority area if they fit one or more of the following categories:

- They live in the local authority area and have lived there for 6 out of the past 12 months or 3 out of the past 5 years;
- They previously lived in the local authority area and lived there for 5 years or longer;
- They have close family connections with someone living in the local authority area. A close family connection is defined as a parent, child, grandparent, grandchild, sibling, legal guardian or any positive relationship, which provides the main source of support, providing they have lived in that area for 6 out of the past 12 months or 3 out of the past 5 years;
- Their regular place of work is located within any of the local authority areas within the Tees Valley sub-region. Casual work does not qualify. Applicants will only be considered to have a local connection in these circumstances, if it is unreasonable to expect them to commute to their place of work from their existing home; or
- They are leaving HM Armed Forces and have a local connection under any one of the above criteria.

Applicants who have been given reasonable preference (Band 1+, Band 1 and Band 2) and have a local connection to the local authority area, will be given priority over applicants in the same band but who do not have a local connection to the local authority area (refer to Appendix 3 for decants placed in Band 1+).

However, applicants in the reasonable preference categories who do not have a local connection to the local authority area, will be

considered for an offer of accommodation before applicants who do have a local connection, but who are in a lower band.

Applicants in Bands 3 and 4 who have a local connection to the local authority area will be considered for an offer before applicants who do not have a local connection to the local authority.

**Note:** The local connection rule will not apply to applicants who are assessed as having an urgent housing need due to an imminent risk of violence or to those who are part of a witness protection scheme.

#### **4.9 Viewing properties and receiving offers**

When an applicant has been short-listed or selected for an offer, the relevant organisation will arrange an opportunity to view the property. In some circumstances, more than one applicant may be invited to view, particularly in areas of low demand or in the case of properties that are frequently refused by applicants.

Applicants will not be penalised if they refuse an offer of accommodation; however where more than 5 offers of accommodation have been refused, the applicant will be invited to an interview with the partner landlord that originally assessed their application.

If an applicant has refused a direct offer of accommodation, they will only be given a 2<sup>nd</sup> offer in exceptional circumstances.

**Note:** Statutory homeless applicants who are owed the main homeless duty will be offered accommodation in accordance with sections 193(7) and 202 of the Housing Act 1996. The statutory duty owed will be discharged where a reasonable offer is refused in these circumstances.

#### **4.10 Time allowed for accepting an offer**

Applicants will be allowed 2 working days after the viewing to make a decision about whether to accept. If there are extenuating circumstances longer may be allowed. Individual circumstances will be taken into account and applicants with specific needs will be given more time e.g. if an assessment for adaptation works is needed or someone with a disability needs more time to consider the move.

#### **4.11 Publishing feedback on lettings**

Lettings results will be published openly and made available to the public upon request. The information will also be available on the website and will include the following information:

- The property type and neighbourhood
- The total number of bids made for the property

- The successful applicant's registration date and/or priority band date
- Properties where a direct offer was made and the vacancy was not advertised.

#### **4.12 Nominations**

Housing Associations operating within the sub-region will provide at least 50% of their vacancies (excluding transfers) for nomination via the scheme. The local authorities (or their partners) will monitor to ensure compliance with the nomination agreements in their area.

#### **4.13 Future development of the scheme**

The partnership will continue to collaborate in the future development of the scheme with the aim of sharing best practice and introducing further incentives for existing tenants who have an excellent track record in conducting their tenancy, whilst continuing to have regard to all statutory and regulatory requirements.

The partnership is committed to continually reviewing its practices and procedures associated with this policy, to ensure a consistent and joined up approach in the delivery of a first class lettings service for the Tees Valley sub-region.

## **Section 5 – Other housing options**

The partnership is committed to offering other affordable housing solutions to those in housing need and to those who may have to wait a considerable time before being successful in receiving an offer of accommodation.

As social housing is in such short supply, the partnership will work with other housing providers to maximise the amount of vacancies advertised through the scheme.

Applicants will have the ability to consider the following housing options in accessing the scheme:

### **5.1 Private landlords**

The scheme will provide for the advertisement of properties which are owned by responsible private landlords who are either accredited or who meet the Housing Respect Standard. The adverts will make clear that the partnership is not acting as an agent for private landlords; that the properties advertised will be offered as assured shorthold tenancies; and the basis on which successful bids will be considered if

it differs from the way tenants for social housing vacancies are selected.

## **5.2 Registered social landlords**

The traditional RSL's will be encouraged to increase the number of vacant properties they advertise on the scheme, over and above 50% nomination agreements. RSL vacancies that are advertised for nomination will be clearly labelled to say which local authority is the nominating authority.

Any RSL vacancies advertised outside the nomination agreement will be clearly labelled to describe the basis on which successful bids will be considered.

## **5.3 HomeBuy**

The scheme will provide links to the Government funded HomeBuy programme. HomeBuy products, such as properties that are available for shared ownership will be advertised on the scheme. Applicants will be considered for HomeBuy products providing they meet the eligibility criteria determined by the Housing Corporation.

## **5.4 Mutual exchanges**

The scheme will allow for mutual exchanges to be advertised throughout the sub-region in order to give opportunities for tenants to move outside of the CBL scheme.



## Appendix 1

### Head office contacts for partner Local Authorities

#### **Middlesbrough Council**

Town Hall  
PO Box 99A  
Middlesbrough  
TS1 2QQ

Tel: 01642 245432

E mail: [enquiries\\_cbl@middlesbrough.gov.uk](mailto:enquiries_cbl@middlesbrough.gov.uk)  
[Housing.Options@stockton.gov.uk](mailto:Housing.Options@stockton.gov.uk)

#### **Stockton-on-Tees Borough**

Municipal Buildings  
PO Box 11  
Stockton-on-Tees  
TS18 1LD

Tel: 01642 393939

E mail:

#### **Redcar & Cleveland Borough Council**

Town Hall  
Fabian Road  
South Bank  
TS6 9AR

Tel: 01642 774774

E mail: [contactus@redcar-cleveland.gov.uk](mailto:contactus@redcar-cleveland.gov.uk)  
[customer.services@hartlepool.gov.uk](mailto:customer.services@hartlepool.gov.uk)

#### **Hartlepool Borough Council**

Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Tel: 01429 266522

E mail:

#### **Darlington Borough Council**

Town Hall  
Feethams  
Darlington  
County Durham  
DL1 5QT

Tel: 01325 380651

E mail: [housing@darlington.gov.uk](mailto:housing@darlington.gov.uk)

### Head office contacts for partner organisations

**Erimus Housing Ltd**

4<sup>th</sup> Floor  
Centre North East  
73-75 Albert Road  
Middlesbrough  
TS1 2RU

Tel: 01642 773600

E mail: [Homechoice@erimushousing.co.uk](mailto:Homechoice@erimushousing.co.uk)  
[allocations@tristarhomes.co.uk](mailto:allocations@tristarhomes.co.uk)

**Tristar Homes Ltd**

Tristar House  
Lockheed Court  
Preston Farm Industrial Estate  
Stockton-on-Tees  
TS18 3SH

Tel: 01642 528720

E mail:

**Coast & Country Housing Ltd**

14 Ennis Square  
Dormanstown  
Redcar  
TS10 5JR

Tel: 01642 771300

E mail: [enquiries@cchousing.org.uk](mailto:enquiries@cchousing.org.uk)  
[enquiries@housinghartlepool.org.uk](mailto:enquiries@housinghartlepool.org.uk)

**Housing Hartlepool**

Greenbank  
Stranton  
Hartlepool  
TS24 7QS

Tel: 01429 525252

E mail:

**Appendix 2**

# **Policy for Ineligible Applications (Serious Unacceptable Behaviour)**

## **1. Introduction**

- 1.1 The partnership recognises the Government's commitment to encouraging inclusion and social stability and will use this policy to encourage access for all applicants, including those that are socially disadvantaged. This will be achieved by ensuring that each application is treated on its individual merits and by making available mutually agreed programmes of support to vulnerable applicants in conjunction with other statutory and/or voluntary organisations.

## **2. Statutory and regulatory guidance**

- 2.1 The Code of Guidance (allocation of accommodation) explains in detail how local housing authorities should apply the 'Unacceptable Behaviour Test.' In summary, the test states that to make someone ineligible for an allocation of accommodation, the local authority must be satisfied that the applicant, or a member of his/her household has been guilty of unacceptable behaviour that is serious enough to make him/her unsuitable to be a tenant at the time the application is being considered. The 'test' is whether the behaviour would have entitled the housing authority to a possession order if, whether actually or notionally, the applicant had been a secure tenant.
- 2.2 The partnership will also have regard to regulatory guidance published by the Housing Corporation, which requires that applicants are only excluded from consideration for housing, when their behaviour is serious enough to make them unsuitable to be a tenant, in circumstances that are not unlawfully discriminating. The partners will also have regard to the Housing Corporation circular (Tenancy Management: Eligibility and Evictions) issued in July 2004 which supports much of the Code of Guidance and makes it clear that RSLs should not operate blanket exclusion policies for housing applicants for rent arrears or previous convictions. This circular also makes it clear that previous tenancy action for anti-social behaviour should not be taken into account if it occurred two or more years prior to the date of application and the tenant's household has conducted a satisfactory tenancy in the mean time.
- 2.3 Officers dealing with the assessment of housing applications will observe the Code of Good Practice as recommended by SHELTER and will be fully trained in the application of the statutory

Unacceptable Behaviour Test.

### **3. Assessing ineligibility**

- 3.1 The partnership recognises that whilst it wishes to promote balanced and sustainable neighbourhoods, denying access to social housing might result in broader social exclusion for the households involved. Therefore, applicants will not automatically be made ineligible if their circumstances 'fit' a defined category; each case will be judged on its own merits and efforts will be made to resolve any issues, which prevent applicants from joining the Register.

For the purpose of this document, ineligibility means that an applicant has been denied access to the Common Housing Register and is unable to participate in the choice based lettings scheme on the grounds of their (or a member of their household's) unacceptable behaviour.

- 3.2 The partnership will consider an application to join the Register where a history of unacceptable behaviour is proved, if the applicant is attempting to modify that behaviour with the help of a recognised support and that agency will continue the support if/when the applicant is housed.
- 3.3 The partnership will ensure that the process for assessing eligibility is both fair and effective in the management of the housing stock. In reaching a decision on whether or not to make an applicant ineligible on the grounds of unacceptable behaviour, all relevant information will be taken into account, including whether the behaviour could have been due to a physical or learning disability or mental health problems.
- 3.4 Where an applicant's behaviour is not serious enough to make them ineligible, it will still be considered in deciding the level of priority received within the Priority Band. For example, where there are low or moderate rent arrears the applicant would be overlooked for offers of accommodation where there are other competing applicants with the same level of need that have a clear record as tenants.
- 3.5 This policy applies to existing tenants applying to transfer and to new applicants joining the Register.

### **4. Examples of serious unacceptable behaviour**

- 4.1 For the purpose of this document, examples of the type of Unacceptable behaviour that will be considered in deciding whether or not to allow an applicant access to the Register include domestic violence, racial harassment, drug dealing, serious noise nuisance, intimidation and any other acts of unacceptable behaviour or serious breaches in tenancy conditions e.g. serious rent arrears, which would make the applicant unsuitable to be a tenant.

#### 4.2 Criminal convictions

Applicants who have relevant unspent convictions for serious criminal offences, which may threaten the stability of a community will have their housing needs assessed and all factors will be taken into account before a decision is made regarding their eligibility to join the Register. The partnership will work collaboratively with the police, probation and prison service in an effort to resolve an applicant's ineligibility and improve their chances of being integrated back into the community through a planned and managed approach.

#### 4.3 Anti-social behaviour

Where an applicant (or a member of the household) has a history of anti-social behaviour or has breached their tenancy conditions, all relevant facts will be considered before a decision is made. Where anti-social behaviour has been committed by a person who was, but is no longer a member of the applicant's household, the behaviour will be disregarded provided the applicant is not guilty themselves of unacceptable behaviour. The partnership will collaborate with other agencies to try to resolve an applicant's ineligibility e.g. social services, health services etc.

### **5. Periods of ineligibility**

5.1 The period of ineligibility will depend on the nature of the unacceptable behaviour in question and what action the applicant has taken to demonstrate a change in behaviour. Applicants will initially be made ineligible for a 12 month period, after which the onus will be on them to provide evidence that their behaviour has improved, or that they have taken action to help improve their chances of being accepted. If an applicant can demonstrate a change in behaviour before the 12 month period has elapsed, consideration will be given to allowing them to join the Register sooner.

5.2 A fresh application will need to be made by the applicant where they have been previously made ineligible and feel that their behaviour should no longer be held against them as a result of changed circumstances.

### **6. Notifying the applicant of the decision**

6.1 All applicants will be notified of any decision concerning their application, the reasons for it and their right to request a review of the decision. Applicants will also be notified of what actions they can take to remedy their ineligibility and a signposting/referral service to other support or independent advice agencies will be offered.

## Appendix 3

### Notes on How Priority will be Assessed

#### 1. **Band 1+: Home loss through a regeneration scheme (decants)**

Advice and help with moving will be given to all social housing tenants, private tenants and owner-occupiers who live in a regeneration area, as defined by any one of the nine partners ie. Middlesbrough Council, Stockton-on-Tees Borough Council, Redcar & Cleveland Borough Council, Hartlepool Borough Council, Darlington Borough Council, Erimus Housing, Tristar Homes, Coast & Country Housing and Housing Hartlepool.

Applicants will be given priority for accommodation in their area of choice, whenever possible. To this end they will be given a Priority Band Date, which will relate to the phasing requirements in the regeneration area. Applicants will only be given Band 1+ priority for the local authority area where they live.

Bids will be accepted on the basis of a suitable property size and type to meet the needs of the applicant's size of family. However, where necessary, and at the discretion of the partners listed above, bids may be accepted for properties of a similar type and size to the one in which the household lives, where this is larger.

*Note: Some properties will be made available outside the scope of the policy for owner occupiers who wish to purchase another property as their current home is being demolished as part of a defined regeneration scheme. In these circumstances, properties will only be made available within the local authority area in which they currently reside.*

#### **Priority order for bids**

Offers will generally be made in order of the priority date. If the priority date is the same, then the date of application will be used as the tie-breaker. Where the priority and application date is the same, the current tenancy start date or commencement of current owner occupation will be used as the tie-breaker. Applicants with cumulative needs within this Band will be given priority over those with a single level of need; this could mean the offer will be outside of date order.

Where the above criteria fail to prioritise one or more bids, selection will be based on the most efficient use of the housing stock.

## **2. Bands 2 & 3: Calculating bedroom shortage/surplus**

Overcrowding will be assessed based upon the number of people within the household and according to best use of the bedrooms and sleeping spaces available.

This assessment does not include living room space unless there is a second living room which can be used as a bedroom and it does not breach health and safety standards. Where a bedroom is being used for another purpose e.g. study or toy room, its original function as a bedroom will be used in assessing the level of overcrowding.

The following rules will be used to calculate the number of bedrooms needed:

- Bedrooms 110 square feet or 10 square metres or larger will be considered suitable for 2 people and will be classed as accommodating at least a double bed or 2 bed spaces.
- Bedrooms less than 110 square feet or 10 square metres will be considered suitable for a single person and will be classed as accommodating a single bed space.

The statutory bedroom standard has been adopted and a separate bedroom will be considered in the following circumstances:

- The main householder/s will be assessed as requiring their own bedroom, even if s/he is a single parent and the property occupied only has bedrooms 110 square feet or 10 square metres or larger. However the main householder/s will be expected to share a bedroom with a child under the age of 12 months where they are occupying a bedroom of this description.
- A single person aged 21 or over will be assessed as requiring their own bedroom.
- Two children under the age of 10 (whether of the same sex or not) will be expected to share a bedroom
- Two people of the same sex aged 10 to 20 will be expected to share a bedroom
- Two people of the same sex where one is aged between 10 to 20 and the other person is aged less than 10 will be expected to share a bedroom.
- A person under the age of 21 will be assessed as requiring their own bedroom where they cannot be paired with any of the above.

### 3. **Band 2: Intentionally homeless**

The assessment will be on an individual basis and as a result, applicants may be given a lower priority than other applicants in Band 2 if they have been found to have deliberately worsened their housing needs. This means that an applicant could be overlooked for an offer of accommodation if there are other qualifying applicants within the same band with a similar level of need but who have not made themselves intentionally homeless.

An applicant overlooked for an offer of accommodation in these circumstances will be told that their priority within the Band 2 has been reduced for a period of 6 months, after which the application will be re-assessed.

If the behaviour was related to anti-social behaviour or non payment of rent then the onus will be upon the applicant to demonstrate a change in their behaviour e.g. keeping up with an agreement to pay off outstanding rent arrears. If the applicant cannot show a change in behaviour after the 6 month period, they may continue to be given lower priority until such time as they can show an improvement.

However, if the applicant qualifies for an offer of accommodation because there is no interest from other applicants with a similar level of need, the applicant may receive the offer provided support is put in place and the applicant agrees to accept these arrangements. If the applicant does not accept the support offered then the applicant will be overlooked and the property offered to the next qualifying household.

**Note:** *In some cases, where applicants have made themselves homeless intentionally as a result of serious unacceptable behaviour as defined by legislation, they will be removed from the Register altogether until there is evidence of a change in behaviour. A fresh application to the Register could be made if the applicant believes the behaviour should no longer be held against them.*



