



APPENDIX

AGENDA ITEM:

CABINET

16 JUNE 2009

Report of: Executive Manager Housing and Property Maintenance Services

Relevant Portfolio Holder: Councillor V Hopley

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SUBJECT: REVIEW OF THE HOUSING ALLOCATIONS POLICY

RVL/LG/EH2869cab
5 March 2009

District wide interest.

1.0 PURPOSE OF THE REPORT

1.1 The purpose of this report is to review the current Allocations Policy to ensure that it remains compatible with recent legislative changes and the changes in the housing market.

2.0 RECOMMENDATIONS

2.1 That the draft Housing Allocations Policy attached as an Appendix to the report be approved.

2.2 That the Executive Manager Housing and Property Maintenance Services, in consultation with the Portfolio Holder for Housing, be given delegated authority to review and make future changes to the policy in light of legislative change.

3.0 BACKGROUND

- 3.1 The Housing Act 1996 as amended by the Homelessness Act 2002 provides the statutory under-pinning for the process by which local authorities determine priority for an allocation of social housing.
- 3.2 Following the amendments made to the Housing Act 1996 by the Homelessness Act 2002, a new Allocations Policy was introduced in October 2003. A review was carried out in 2005, which led to an amended scheme being introduced in April 2006. This recent review has been carried out following a recommendation from the Department for Communities and Local Government (DCLG).
- 3.3 In March 2008, Neil Morland, Specialist Advisor, DCLG, visited every local authority in the North West to assess their performance in relation to homelessness advice and prevention. One of the recommendations from the meeting was that the Allocations Policy should be reviewed as there had been recent developments in case law which may have an impact on how we assess priority for an allocation of accommodation.
- 3.4 A further consideration has been the Government target that all local authorities should move to a Choice Based Lettings Scheme by 2010.

4.0 CURRENT POSITION

- 4.1 The Council currently operates a traditional allocations system whereby applicants are offered available properties as they become vacant. Applicants are provided with some choice however this is limited to applicants selecting areas of choice and acceptable property types. A full Choice Based Lettings Scheme would allow applicants to express an interest in properties as they become vacant based on their own personal preferences.
- 4.2 A separate report has been produced on the options available to the Council in moving towards a Choice Based Lettings Scheme.
- 4.2 The need to explore the introduction of a Choice Based Lettings Scheme by 2010 and the recommendation made by the Department for Communities and Local Government, led to the decision to review the Allocations Policy to ensure it was compliant with current legislation and guidance as the Policy will form the basis of any Choice Based Lettings Scheme that is introduced.

5.0 ISSUES

- 5.1 There has been an increase nationally in the number of applicants for social housing seeking assistance in challenging local authority decisions and allocations schemes.
- 5.2 There is increased pressure on social housing from applicants in housing need including homeless applicants.

6.0 PROPOSALS

- 6.1 A summary of the recommended changes can be found at Appendix 1.
- 6.2 The proposed revised policy is outlined at Appendix 2.

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 7.1 The introduction of a revised Allocations Policy alongside a Choice Based Lettings Scheme will increase choice for the applicant and contribute to meeting the housing needs and aspirations of the local community.
- 7.2 The proposal has the following links to the Community Strategy; Community Safety (issues D & E), Health and Social Care (issues A, B and E), Community Regeneration and Housing (issues B, D and E)

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 Reproducing revised documentation will incur a cost, however, this can be borne out of current budgets.

9.0 RISK ASSESSMENT

- Implementing the revised Allocations Policy will ensure that the Council remains compliant with the Housing Act 1996.
- Failing to update the policy following legal advice could lead the Council open to legal challenge in the courts which would incur associated costs.
- Revising the Allocations Policy will ensure that any future Choice Based Lettings Scheme can be implemented before the 2010 deadline.
- Not implementing the revised changes could impact on the timescale for implementing Choice Based Lettings.

10.0 CONCLUSIONS

- 10.1 Taking the opportunity to review the Allocations Policy and implement the revised changes will ensure that the threat of legal challenge is minimal and that in conjunction with other recommendations (introduction of Choice Based Lettings and a Homeless Prevention Fund) the Council is able to continue to make progress towards the targets set by central government in relation to increasing accessibility and choice in social housing and the reduction of homelessness.
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Summary of Amendments to the Housing Allocations Policy

Introduction

West Lancashire District Council has a duty to prepare and publish a scheme for the allocation of housing accommodation within the District.

Due to recent case law relating to the allocation of accommodation and changes in the housing market, the allocations policy is being reviewed to ensure that it remains compliant.

This summary will highlight the main changes that have been made to the 2006 version of the policy.

Section 7.0 - Policy on Choice

Current Policy:

The 2006 policy offers applicants with children under 10 years old, who are seeking accommodation in high demand areas, the option to request to be listed for ground floor flat or maisonette accommodation.

Revised Policy:

The revised policy offers more choice to the applicant by allowing households with children of any age to apply for any property type they wish including above ground floor flat or maisonette accommodation.

This amendment is suggested due to the increasing numbers of families with children under 10 years old requesting to be listed for flat or maisonette accommodation as well as houses. The administrative burden of applicants submitting written requests under the current scheme would be reduced, as applicants would automatically be allowed to register for any type of accommodation at the application stage. This places choice firmly with the applicant.

Recommendation:

It is recommended that the suggested amendment be accepted.

Section 10.0 - 16 and 17 year olds

Current Policy:

The minimum application age is 18. One exception to this is those 16 and 17 year olds who are found to be unintentionally homeless and in priority need, where there is no alternative option but to provide a tenancy. This age group are a priority category under homeless legislation therefore they must be accommodated.

Revised Policy:

It is proposed that the age limit for those applicants applying to join the housing register be reduced to 16 (subject to conditions).

The Homelessness Priority Needs (England) Order 2001 made 16 & 17 year olds a priority group under homelessness. Unless the young person is intentionally homeless, the Council will have a duty to accommodate them if they are homeless.

The Homelessness Code of Guidance for Local Authorities makes it clear that this age group should not be accommodated in accommodation without support. However, due to a shortage of supported housing for this age group, it is becoming more and more difficult to find supported placements.

Conditions will be in place to ensure that the young person's parents/guardians are aware that an application has been made (unless the young person would be at risk), that the young person has the ability to pay the rent and that they agree to a referral to a support provider to ensure that the tenancy can be sustained.

If the young person does not agree to this then they will not be offered a tenancy.

A specific tenancy agreement will be introduced for this age group to reflect the different legal status they have. An introductory tenancy will be offered once the young person reaches the age of 18.

Young people aged 16 and 17 will be subject to the same possession proceedings if there is a breach of tenancy.

Legal Advice:

When seeking legal advice on the proposed draft scheme, counsel was asked to advise on the legality of not accepting applications from persons aged 16 or 17. Counsel advised that a blanket exclusion of 16 and 17 year olds would be unlawful.

Counsel was also asked to comment on the legality of making it a condition of the accommodation offer that the young person agrees to being referred to a floating support provider. Counsel advised that it would be reasonable to impose these conditions.

Recommendation:

It is recommended that the minimum age for applicants be reduced to 16 and any offers of accommodation to 16 and 17 year olds be subject to the conditions outlined above.

If members would like to retain the application age of 18, they must be aware that this could be open to legal challenge.

Section 12.0 Assessment Stage

Rent arrears

Current Policy:

The current policy allows applicants with rent arrears (either current or former) to join the housing register. The applicant will not be offered accommodation until a payment plan has been entered into. The length of time the payment plan must be kept to is based on the amount owed.

The current payment plans are as follows:

£0-£100	applications will be approved with this small level owing
£101-£250	payments must be made for 2 months before approval
£251-£500	payments must be made for 3 months before approval
£501-£750	payments must be made for 4 months before approval
£751-1000	payments must be made for 5 months before approval
£1001+	payments must be made for 6 months before approval

Revised Policy:

The current policy does not allow for an effective recovery of former tenant debts and applicants can still be re-housed with debts of over £1000.

To assist in the recovery of former tenant debts the policy has been amended as follows:

£0-£100	applications will be approved with this small level owing
£101-£250	regular agreed payments must be made for 2 months before approval
£251-£500	regular agreed payments must be made for 3 months before approval
£501-£1000	amount must be reduced to under £500 then regular agreed payments must be made for 3 months
£1001+	applicants with this level of arrears will be treated as ineligible for an allocation therefore an application to join the housing register will not be accepted.

Applicants with rent arrears over £1001 will not be accepted onto the housing register until the arrears have been reduced to under £500 and a payment plan has been kept to.

Applicants owing £101 - £1000 will have their application placed in Band D until the required payment plan has been kept to.

The Service Manager (Voids and Allocations) will still have the authority to approve applications with rent arrears where there are exceptional circumstances.

Where the Council has accepted a duty under homelessness to house a household and that household has rent arrears, the case will be treated as an exceptional application and will be approved with homeless priority despite the arrears. The Homelessness Advice & Prevention Team will ensure that a payment plan is set up and will attempt to recover 50% of the debt at the outset.

Legal Advice:

Counsel was asked to comment on the legality of not accepting applications from households who owe arrears of £1001 and above. Counsel advised that it would be lawful as long as the arrears had been proved.

Recommendation:

It is recommended that the proposed amendments be accepted.

If applications from applicants owing £1001 or over are to be accepted, it is recommended that they be placed in band D.

Section 17.0 Reduced Priority

Current Policy:

The current policy allows applicants to be excluded from the housing register where there has been serious unacceptable behaviour. However, where there has been behaviour that is serious but does not meet the stringent criteria for exclusion, there is no mechanism to allow for reducing an applicants priority.

Revised Policy:

The revised policy allows the reduction of priority in cases where there has been behaviour serious enough to make an applicant unsuitable to be a tenant.

For example, where an application would attract band B priority but the applicant or a member of the applicant's households has been guilty of unacceptable behaviour, the application will be placed in band D.

The application will remain in band D unless an appeal is successful, the household's behaviour improves or the 2-year exclusion has been served with no further incidents.

Once the applicant is no longer considered to be unsuitable to be a tenant, the application will be awarded the most appropriate band based on the household's circumstances at the time the case is reviewed.

The Housing Act 1996 (as amended) allows for priority to be reduced in cases where there has been unacceptable behaviour.

Section 13 Priority Banding – Band A

Current Policy:

The criteria for band A is as follows:

- Applicants who have made a homeless application and have been assessed as being unintentionally homeless and in priority need as a result of being victims of violence or harassment
- Severe overcrowding
- Urgent Medical Need
- Unfitness and Disrepair
- Anti-Social Behaviour
- Multiple Needs

Revised Policy:

The proposed criteria for the new policy is as follows:

- Applicants who have made a homeless application and have been assessed as unintentionally homeless and in priority need as a result of being victims of violence or harassment;
- **Applicants applying for an allocation of accommodation who have not been assessed as homeless but need to move urgently due to being victims of violence or harassment;**
- Severe overcrowding;
- Urgent Medical Need;
- Unfitness and Disrepair;
- Anti-Social Behaviour;
- **Persons left in occupation of a WLDC tenancy;**
- **WLDC tenants under occupying a property wishing to move to a smaller property;**
- Multiple Needs

The criteria in bold have been added to the original set of criteria.

Section 14.0 Priority Banding – Band B

The current criteria for band B is as follows:

- Applicants who have made a homeless application and have been assessed as unintentionally homeless and in priority need who are not at risk of violence/threats of violence;
- Those left in occupation of a Council property, following the death of a tenant with no succession rights to the tenancy;
- Overcrowding;
- Unsatisfactory Housing Conditions;
- Medical;
- Welfare;
- Hardship or Employment Grounds;

- Under occupying;
- Care Leavers Requiring A Move To Independent Living.

Revised Policy:

The revised criteria is as follows:

- Those applicants assessed as being eligible for assistance, unintentionally homeless and in priority need for reasons other than violence.
- Overcrowding
- Unsatisfactory Housing Conditions
- Medical
- Care
- Hardship Employment or Financial Grounds
- Care Leavers Requiring a Move to Independent Living
- Homelessness Prevention

Some of the original band B criteria have been moved to band A. The only addition to band B is the awarding of this level of priority in cases where homeless prevention methods are being used.

Section 15.0 Priority Banding – Band C

Current Policy:

The current criteria for Band C is as follows:

- Those living with family/friends or lodging with no security of tenure but with no other housing need;
- Those living in a mobile home on a non-residential site;
- Those assessed as intentionally homeless with priority need and eligible for an offer of accommodation;
- Those assessed as being homeless but with no priority need;
- Those applicants who have refused 3 reasonable offers of accommodation from the housing register;
- Those applicants who have refused 2 reasonable offers of accommodation in the discharge of a homelessness duty.

Revised Policy:

The revised criteria for band C is as follows:

- Applicants living with family/friends or lodging with no security of tenure but with no other housing need;
- Those renting in the private sector with an assured-shorthold tenancy of 12-months or less;
- Those living in a mobile home on a non-residential site;
- Those assessed as being intentionally homeless with priority need and eligible for an offer of accommodation.

- Those assessed as being homeless but with no priority need.
- Those applicants who were in band A or B and have refused 3 reasonable offers of accommodation from the housing register.
- Those applicants who were in Bands A or B who have stated they are not ready to move but wish to remain on the housing register.
- Those applicants who have refused 1 reasonable offer of accommodation in the discharge of a homelessness duty.

Section 16.0 Priority Banding – Band D

Current Policy:

The current criteria for band D is as follows:

- Owner-occupiers with no housing need and reasonable ability to access other housing resources;
- Those who occupy mobile homes on residential caravan parks and have no housing needs;
- Any applicant who wants accommodation but has no assessed needs in a higher band. This would normally include Council or Housing Association tenants who wish to move to a similar sized property in the district.

Revised Policy:

The revised criteria for band D is as follows:

- Those who occupy mobile homes on residential caravan parks and have no other housing needs;
- Any applicant who wants accommodation but has no assessed needs in a higher band;
- Secure Council or Housing Association tenants with no other housing need;
- Tenants in the private sector with more than a 12-month assured shorthold tenancy and no other housing need (once the tenancy has 12-months or less left to run, the application can be placed in band C);
- Any applicant who has been assessed as being unsuitable to be a tenant and has had 'reduced priority' awarded to their application;
- Applicants who have given up a secure property within the 12-months prior to the application who did not have a good reason for doing so.

Those owner-occupiers with the financial ability to access other housing resources will no longer be accepted onto the housing register.

Section 18.0 Savings & Assets

Current Policy:

The current policy does not take account of the financial circumstances of applicants and this can lead to equity rich owner-occupiers being allocated Council accommodation, sometimes in high demand areas, over applicants without such resources.

Revised Policy:

To address this issue, it is proposed that where an applicant has the financial ability to resolve their own housing need, they will not be able to apply to the housing register.

Where the council agrees to assist with re-housing, the applicant must not sell their home before they have accepted an offer of accommodation. However, they must agree to sell the property as soon as they have been re-housed and not rent out their home or make any financial gain whilst waiting to sell.

Legal Advice:

Counsel advises that it is lawful to treat such applicants as ineligible and refuse to accept an application to join the housing register.

However, should members wish to allow such households to be eligible to apply to the housing register, it is recommended that such applications be placed in band D to ensure financially able applicants do not receive higher priority than those applicants who are not in such a strong financial position.

Section 20.0 – Allocation Stage

20.1 Lettings Criteria

The Department for Communities and Local Government published the Tackling Overcrowding in England – An Action Plan in December 2007. The intention of the government is to replace the current overcrowding standards with a new Bedroom Standard. Rather than waiting for the change, which is anticipated next year, it is recommended that the Bedroom Standard be adopted into this policy.

Under the new standard, a separate bedroom is allocated to each:

- Married or cohabiting couple
- Each adult aged 21 years or more
- Each pair of adolescents aged 10-20 years of the same sex
- Each pair of children aged under 10 years regardless of sex
- Any unpaired person aged 10-20 years is paired if possible with a child under 10 years of the same sex. If this is not possible, they should be given a separate bedroom. The same applies to any unpaired child aged under 10 years.

This standard will govern how many bedrooms are allocated to each household and when a household will be considered overcrowded.

Section 23.0 Local Lettings Policy

Current Policy:

The current policy allows for allocations to be made to people with a local connection to certain areas. This means that there are occasions where applicants with no housing need are offered accommodation over applicants with housing need who do not have a local connection to that area.

Revised Policy:

The way properties are allocated based on local connection has not been changed.

However, in addition to the current local connection areas, it is proposed to add Old Skelmersdale to the areas where a minimum of 50% of allocations will go to people with a local connection.

This is proposed due to the low turnover of accommodation in this area.

Legal Advice:

The local connection policy has been reviewed by Counsel and advice has been received that current practice may be unlawful and subject to legal challenge.

The current allocations policy allows allocations to be made solely on the basis of local connection not on housing need. This is against the Housing Act 1996, which states that reasonable preference for an allocation must be given to applicants in housing need.

The Act does allow for local connection to be a consideration however, Counsel advises that this must not be the only consideration and housing need must be taken into account.

Counsel's advice is that local connection can be used to give preference to applicants in the same priority band who have a local connection. For example, where a list of matching applicants has been produced and there are band A applicants, these applicants have the highest level of housing need. The order of those applicants is determined by the date they were awarded band A priority. If there are six people in band A but the fourth person in the band is the only applicant with a local connection, then the allocation can be made to them, even though three other applicants have been by-passed. This is because they all have the same level of housing need but the Act allows additional preference to be given to someone with a local connection.

However, where the first applicant on the list with a local connection has for example band C priority, they have low housing need. To by-pass all the band A and B applicants to make this allocation could be unlawful. This is because the allocation is being made on the basis of local connection only and applicants with high housing need have been disadvantaged because they have not got local connection.

Guidance:

Members are asked for their view as to whether they would like the policy to remain unchanged (it is unchanged in the draft document) in this regard or to refer this particular section back to be re-drafted to take into account Counsel's comments.

Section 24.0 Local Connection Criteria

Current Policy:

To be considered as having a local connection to an area, an applicant must meet the following criteria; an applicant normally must;

1. Have lived in that area for a period of 3 out of the last 5 years; or
2. Have family who have lived in that area for 2 years prior to the date of application and be required to move to the area to give support to a family member or receive support from a family member; or
3. Be required to move to or remain in that area to receive support of local organisations or support facilities such as day centres or treatment centres which they could not otherwise reasonably attend

Revised Policy:

It is recommended that points 1 and 3 be retained.

Point 2 should be amended to remove the need for the applicant to prove they need to move to give or receive care. Point 2 will now read,

2. Have close family who have lived in that area for a minimum of 2 years prior to the date of application and the applicant must indicate that they want to move nearer to them. Close family includes parents, adult children and siblings. Relations such as step-parents, grandparents, grandchildren, aunts, and uncles can be considered close if there are sufficiently close links in the form of frequent contact, commitment or dependency

The applicant must also currently live at least 3 miles away from the family member they want to move nearer to or be moving to the district from another local authority area.

This definition is more in line with the legal definition of local connection.

In order to recognise the current worklessness agenda, it is recommended that a 4th criteria be added. This would read as follows;

4. Have been permanently employed in the district for at least the previous 12-months (full or part time). The self-employed will be considered if their main business is within the district. Casual work is not included. Local connection will be awarded for the area within the district, which the applicant works.

Section 28.0 Refusal of Offers

Current Policy:

Under the current policy, band A & B housing register applicants are allowed 3 offers before their application is re-banded to Band C. After 3 further refusals in Band C, the application is suspended for 6-months.

Applicants accepted as unintentionally homeless and in priority need are made 2 offers before the statutory duty is discharged and the housing register application is re-banded to Band C for 3 further offers. After 3 further offers, the application is suspended for 6-months.

Revised Policy:

The recommendation for the new policy is that housing register applicants in Bands A or B who refuse or don't respond to 3 offers will have their applications re-banded to Band C. The application will remain in Band C and eligible for offers unless or until it is cancelled as part of a system review, the applicant cancels the application or is re-housed. It is not recognised as good practice to cancel applications on the grounds that offers have been refused.

With regards to applicants with homeless priority, it is recommended that only **1 offer** of accommodation should be made.

The ability to meet government targets in relation to homelessness and the use of temporary accommodation is becoming increasingly difficult. The practice of making 2 offers of accommodation to homeless households is hampering that effort, especially where the household is a 2-bed requirement.

The current waiting time for 2-bed accommodation for an applicant with Band B priority is approximately 6-months. Therefore, if an applicant has been in temporary accommodation for 6-months, receives an offer which they refuse, it could be a further 6-months before a second offer is made. This increases the length of time spent in temporary accommodation.

In order to assist the Council to reduce temporary accommodation use, it has been recommended by the Department for Communities and Local Government Special Housing Advisor that we strictly interpret the Housing Act 1996 and only make 1 offer of accommodation to homeless applicants. This view is supported by the Strategic Manager (Homelessness).

If this recommendation is adopted and the first and only homeless offer is refused, the homelessness duty will be discharged and the housing register application will be re-banded to Band C where it will remain eligible for further offers unless cancelled as above.



WEST LANCASHIRE DISTRICT COUNCIL

HOUSING ALLOCATION POLICY

DRAFT

NOVEMBER 2008

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1.0 Introduction

- 1.1 West Lancashire District Council has a duty to prepare and publish a scheme for the allocation of housing accommodation within the district. Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002, provides a framework within which local authorities allocate council tenancies and nominate applicants to Registered Social Landlords.
- 1.2 This document sets out West Lancashire District Council's Housing Allocations Policy and contains the priorities and procedures for allocating council homes and nominations to Registered Social Landlords in the district.
- 1.3 The Housing Allocations Policy ('the Policy') was reviewed in light of changes made to the Housing Act 1996 by the Homelessness Act 2002. Following that review, a new scheme was introduced in October 2003.
- 1.4 The Policy was reviewed for the second time in 2005 and a revised scheme was brought into effect in April 2006.
- 1.5 A third review of the Policy was carried out in 2008 to ensure that the housing needs of the district were still reflected in the scheme and to ensure that any changes in legislation, case law or Guidance from the Secretary of State has been taken into account.
- 1.6 The Executive Manager Housing & Property Maintenance Services has the delegated authority to make amendments to this policy where there have been legislative changes.
- 1.7 This current version came into effect **(insert date)**.

2.0 Aims & Objectives

- 2.1 The Council aims through its Policy to enable those seeking homes to make informed choices about their housing options and to maximise the use of social housing in the district. The Policy seeks:
 - To give priority to those in greatest housing need
 - To help meet local housing needs and prevent homelessness
 - To develop stable communities by assisting people to find a home of their choice in their areas of choice

- To make best use of the council's housing stock and reduce the number of void homes
- To promote equality of opportunity to those seeking homes
- Deliver an allocations scheme that is transparent and easy to understand

3.0 Principles of the Allocation Scheme

3.1 The council is committed to the provision of a customer focussed and equitable allocations scheme in accordance with the following general principles:

- There is no legal requirement for the council to maintain a housing register. However West Lancashire District Council has chosen to maintain a housing register.
- All those seeking an allocation of social housing from the authority (or its partner Registered Social Landlords), must apply to join the housing register.
- In making their application, applicants are entitled to express their preferences with regards to the areas and property types in which they would like to live.
- All applicants who are eligible to join the scheme will be allowed to join the scheme.
- Applicants for social housing are assessed in terms of their housing needs and are placed within a priority band.
- Allocations will be made on the basis of the applicant's priority band and the date the level of priority was awarded.
- Applicants who have a local connection with a housing area may be given preference for an allocation in that area based on the quota that has been set for that area (see Appendix 1).
- Applicants will be given choice and may express their preferences with regards to areas of choice and property types.
- Nominations for allocations by partner Registered Social Landlords will be made on the same basis as for the letting of council accommodation.
- Accommodation is allocated in accordance with the guidelines on household types, property size and type of property (except for open-let properties).
- The Council provides general written guidance summarising this allocations policy to all applicants so they can assess how their application is likely to be treated, their likely priority and the length of time it may take before an offer of accommodation is made.
- This information will be provided with the application form, on the applicants request and on the council's website (www.westlancsdc.gov.uk)

4.0 Scope of Policy

4.1 This Policy applies to all applications for;

- An allocation of council accommodation
- A transfer of accommodation from existing council tenants or tenants of other social landlords
- Nominations to Registered Social Landlords

5.0 Allocations excluded from the scheme

5.1 The following are excluded from the allocations scheme:

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

6.0 Equality of Opportunity in Housing

6.1 The Council seeks to ensure that direct and indirect discrimination on the grounds of race, colour, ethnic origin, nationality, gender, religion, disability mental illness or sexual orientation are eliminated. The Council will abide by the Race Relations Act 1976 and Race relations (Amendment) Act 2000 the Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, and the Commission for Racial Equality's Code of Practice for Rented Housing.

6.2 The Council will endeavour to ensure that:

- Complaints about racial harassment or any form of discrimination are dealt with properly, promptly and fairly.
- Its policies and procedures do not result in discrimination in terms of access to a Council home or the services that our clients receive from us.
- That staff understand and operate according to the principles of fairness and equality.
- That Black and Minority Ethnic Groups are consulted about its housing policies.
- That it promotes good relations and equality of opportunity between members of different racial groups.
- It works with partner agencies in order to tackle issues of equal opportunities in housing.

7.0 Policy on Choice

- 7.1 The Council is committed to offering applicants a choice of accommodation and allowing them to express their preferences. However the Council may not be able to meet all requests due to the level of demand or availability of accommodation. Applicants will therefore be given advice and information by the Council's Housing Options Advisers to help them understand their options and make informed choices.
- 7.2 Applicants will be offered the choice of being allocated accommodation provided by the Council, being nominated for Housing Association accommodation or both and they may state their preferences.
- 7.3 Applicants will be offered choice by being able to select;
- the areas in which they wish to be housed (they may request accommodation in as many areas of the district as they wish);
 - particular housing estates and/or streets;
 - a furnished or unfurnished tenancy;
 - the property type they wish to be considered for (certain restrictions will apply, see Appendix 3).
- 7.4 The council will endeavour to allocate accommodation in the applicant's first preferred area of choice. Applicants will not normally be offered accommodation in an area they have not chosen unless they expressed no preferences.
- 7.5 Applicants will be advised of the estimated time it may take before an offer of an allocation is made in their preferred area of choice so that they may consider their options and either choose to wait for that area or consider alternative choices of area which may result in an earlier offer.
- 7.6 Some Council properties may be designated for "Open Letting" and advertised openly for letting on a first come first served basis.

- 7.7 In areas of low demand applicants may be offered a choice of accommodation, which is larger than their household needs.
- 7.8 Choice will also be increased by allowing households with children of any age to apply for any property type they wish including above ground floor flat or maisonette accommodation.

8.0 Offering Choice to Homeless Applicants

- 8.1 Applicants assessed as being unintentionally homeless and in priority need who are owed the 'main housing duty', will, as far as possible, be offered choice. However, in order to facilitate the allocation of a suitable property within a reasonable timescale to avoid undue distress to the applicant, all such households will be registered for all suitable accommodation types in every area of the district.
- 8.2 Consideration will be given to any representations made by the applicant regards the suitability of certain locations. Areas will not be regarded as suitable if evidence confirms that the area is unsuitable due to the applicant being at risk of violence, threats of violence or harassment if they resided in that area.

9.0 Application Stage

- 9.1 Any eligible person over the age of 16 can apply to join the housing register.
- 9.2 Applications should be made by completing an application form. Application forms can be obtained from the Council's Customer Service Points in Skelmersdale and Ormskirk, via the Council's website at www.westlancsdc.gov.uk or direct from the Housing Options Team on 01695 577 177.
- 9.3 Some applicants will require advice and assistance to complete the application form because English may not be their first language, they may have learning or reading difficulties, they may not be able to visit a Council office or for some other reason. In such cases Housing Options Advisors will provide advice and assistance and will if necessary complete the form on behalf of an applicant or provide translation services.
- 9.4 Persons who wish to apply to join the scheme for housing accommodation are required to complete an application form, and supply proof of identification including proof of their national insurance number, a picture driving licence or passport and a reference from their current or previous landlord (where this is not possible from an employer or teacher).
- 9.5 Existing Council tenants and those over 60 are not required to supply a reference. A separate application form has been produced for those over 60 who wish to apply for sheltered housing.
- 9.6 The fact that a person is an applicant for an allocation of housing accommodation shall not be divulged (without his consent) to any other member of the public.
- 9.7 The Housing Options Team will register the application within ten working days. The registration process will involve:

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

9.8 False Statements

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

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

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

9.11 The circumstances in which an offence is committed could include:

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

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

10.0 Applicants Aged 16 or 17

- 10.1 To be considered for a tenancy, applicants aged 16 or 17 must provide evidence of their ability to pay rent i.e. proof of state benefits or copies of wage slips along with photographic identification and a reference. Proof of the ability to pay is required because anyone aged 16 or 17 who was living in the parental home would not normally be able to claim state income benefits.
- 10.2 Where the applicant is 16 or 17, their parents/guardians will be contacted to ensure they are aware that they have applied to join the housing register (unless this would put the young person at risk).
- 10.3 A person under the age of 18 is not able to hold a legal estate in land but they can hold what is called an equitable interest. This means that a different tenancy agreement will be offered until the young person reaches the age of 18 when they will be offered an Introductory Tenancy in line with Council policy. Any contract entered into will allow the Council to recover any unpaid rent through the courts in the normal way. This can also mean that the Council may seek an order for possession from the courts.
- 10.4 Anyone aged 16 or 17 will only be considered for a tenancy on the condition that they accept a referral to a floating support provider to ensure that the tenancy does not fail.
- 10.5 The Council may choose not to allocate a property until the applicant is 18 where it would not be appropriate to do so. The applicant will have the opportunity to seek a review of such a decision. The review process is outlined at Appendix 4.

11.0 Agricultural Workers

- 11.1 The Council has a duty under the Rent (Agriculture) Act 1976 to use its best endeavours to provide accommodation for displaced agricultural workers. Applications in such cases will be investigated, all relevant factors considered and advice sought from the Agricultural Dwelling-House Advisory Committee prior to determining the Priority Band to which the application will be allocated.

12.0 Assessment Stage

12.1 Eligibility

- 12.2 Not all applicants applying to join the housing allocation scheme are eligible join. Section 160(A) of the Housing Act 1996 (as amended) sets out who is not eligible to be allocated housing;
 - a) Persons subject to immigration control (unless classified as eligible by the Secretary of State);

- b) Other persons from abroad whom the Secretary of State has decided are ineligible for an allocation;
- c) Persons who have been treated as ineligible for an allocation due to unacceptable behaviour which would prevent them from being considered as a suitable tenant.

12.3 Where an applicant is already an existing secure, introductory or assured tenant of accommodation allocated to him or her by a local housing authority, he or she cannot be disqualified on the basis of his or her immigration status. Therefore, they will not fall into categories (a) or (b) above. They may still be affected by category (c) above.

12.4 **Persons Subject to Immigration Control & Persons from Abroad**

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

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

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

12.8 **Unacceptable behaviour**

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

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

- Ground 1 Rent arrears or breach of tenancy
- Ground 2 Behaviour which is a nuisance or annoyance to those in the locality of the dwelling or conviction for using the dwelling for immoral/illegal purposes or committing an indictable offence in or in the locality of the dwelling house
- Ground 2A Domestic violence causing a partner or other family member to leave the property
- Ground 3 Deterioration of the dwelling house due to waste, neglect or default
- Ground 4 Deterioration of furniture provided by the landlord due to ill-treatment
- Ground 5 Tenancy induced by false statement
- Ground 6 Premium received or paid in connection with a mutual exchange

Ground 7 Eviction from a dwelling within the curtilage of a building held for non-housing purposes due to conduct such that given the nature of the building it would not be right for occupation to continue

12.11 The council will;

- Investigate the individual circumstances of an applicant's case to establish if there is evidence of unacceptable behaviour that would fall under grounds 1 to 7 above;
- Establish whether the unacceptable behaviour is considered to be serious and whether it is likely that a possession order would have been granted as a result of that behaviour;
- Decide if the applicant is unsuitable to be a tenant by reason of their behaviour at the time the application is considered, taking into account whether there has been any changes in the circumstances or behaviour of the applicant.

12.12 Where the council is satisfied that any one of the three criteria in paragraph 11.9 has been met, the applicant can be treated as being ineligible for an allocation and therefore excluded from the housing register. This exclusion will be in place for a period of 2 years.

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

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

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

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

12.17 **Rent Arrears**

12.18 The accrual of rent arrears will be considered serious where:

- a) An applicant owes rent from a previous tenancy, which resulted in a possession order being granted; or

- b) The applicant has current rent arrears serious enough for a court to grant an outright possession order.

12.19 Where the conditions of either (a) or (b) above have been met, the Council may decide that the applicant is ineligible for an allocation.

12.20 Where there are insufficient grounds to determine that an applicant is ineligible for an allocation, the application to join the housing allocation scheme will be accepted but not awarded any priority until the arrears have been reduced in accordance with the procedure below.

£0-£100	applications will be approved with this small level owing
£101-£250	regular agreed payments must be made for 2 months before approval
£251-£500	regular agreed payments must be made for 3 months before approval
£501-£1000	amount must be reduced to under £500 then regular agreed payments must be made for 3 months
£1001+	applicants with this level of arrears will be treated, as being ineligible for an allocation therefore an application to join the housing register will not be accepted.

12.21 Where an applicant owes £100 or less, the application will be placed in the band to which they have been assessed as being entitled to.

12.22 Applicants who owe between £101 and £500 will be placed in Band D until a payment plan has been kept to for the required time.

12.23 Applicants who owe between £501 and £1000 will be placed in band D until the arrears have been reduced to under £500 and regular agreed payments have been kept to for 3-months.

12.24 Applicants owing more than £1001, will not be accepted onto the housing register. Any applicant found to have this level of arrears outstanding will have his or her application cancelled. The applicant will be able to re-apply once the arrears have been reduced to under £500 and regular agreed payments have been made for 3-months.

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

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

- 12.27 The account will be monitored and should payments stop the application will be cancelled. The arrears must then be cleared in full before another application will be accepted.
- 12.28 Each case will be assessed on its own merits and the Service Manager (Voids and Allocations) has the discretion to approve applications with rent arrears and award the relevant band where there are exceptional circumstances.
- 12.29 Applicants who have been assessed as being unintentionally homeless and in priority need or have been placed in band B under homeless prevention will be considered for an allocation despite any rent arrears. An agreement to pay will still be required.
- 12.30 Anti Social Behaviour**
- 12.31 Anti social behaviour includes conduct likely to cause nuisance and annoyance, harassment, violence or intimidation to others or the use of property for illegal or immoral purposes.
- 12.32 This behaviour will be considered serious where the evidence is such that it would entitle the authority to obtain a possession order from a court.
- 12.33 Any applicants found to be ineligible on such grounds will normally be advised that they will not be considered eligible for an allocation of housing until they have conducted themselves appropriately for a period of 2 years following the last unacceptable incident. However each individual application will be considered on its merits in terms of the length of time the applicant will be ineligible.
- 12.34 Where there are insufficient grounds to determine that an applicant is ineligible for an allocation, the application to join the housing register will be accepted but not awarded any priority until the council considers that the behaviour of the applicant has improved.
- 12.35 Grounds 2A to 7**
- 12.36 The same procedure will be applied to applicants who have been guilty of unacceptable behaviour under any of the other grounds (2A to 7 see above paragraph 11.8).
- 12.37 Housing Need**
- 12.38 The Housing Act 1996 states that any allocation of social housing must be made according to housing need. The Act outlines the criteria that must be followed when awarding reasonable preference to applicants based on their circumstances.
- 12.39 West Lancashire District Council has adopted a banding system in line with Government guidance.

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

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

13.0 Band A – High Priority

13.1 The categories for band A are as follows:

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

13.2 Criteria for each category

13.3 Applicants who have made a homeless application and have been assessed as unintentionally homeless and in priority need as a result of being:

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

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

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

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

13.6 The decision to award this level of priority rests with the Service Manager (Voids & Allocations), or a suitably experienced Senior Officer who has been delegated this task.

13.7 **Severe overcrowding**

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

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

13.10 **Urgent Medical Need**

13.11 Urgent medical priority will be awarded where:

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

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

13.13 **Unfitness and Disrepair**

- Properties inspected by the Council's Private Sector Housing Section that are unfit and are subject to a Prohibition Order, Demolition Order, Clearance Area or Compulsory Purchase Order
- Permanent or temporary decants from Council property in order to carry out improvements or major repairs.

13.14 The Housing Health & Safety Rating System will be used as a guide to assessing whether band A is appropriate.

13.15 This level of priority can only be awarded based on the recommendation of the Council's Private Sector Housing Team.

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

13.17 **Anti-Social Behaviour**

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

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

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

13.21 **Left in Occupation**

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

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

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

13.25 **Under Occupation**

13.26 Those under occupying a West Lancashire District Council tenancy who are requesting a smaller property.

13.27 Applicants who were originally offered a property larger than their needs may not be awarded this priority unless there is demand for the type of accommodation they are currently occupying.

13.28 Each case will be assessed on its own merits.

13.29 **Multiple Needs**

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

14.0 **Band B – Medium Priority**

14.1 The categories for band B are as follows:

- Those applicants assessed as being eligible for assistance, unintentionally homeless and in priority need for reasons other than violence.
- Overcrowding
- Unsatisfactory Housing Conditions
- Medical
- Care
- Hardship Employment or Financial Grounds
- Care Leavers Requiring a Move to Independent Living
- Homelessness Prevention

14.2 **Criteria for each category.**

14.3 Those applicants assessed as being eligible for assistance, unintentionally homeless and in priority need.

14.4 Applicants who have made a homeless application and have been assessed as unintentionally homeless and in priority need who have not been assessed as being homeless or vulnerable due to violence or threats of violence are including:

- A pregnant woman or a person with whom she resides or might reasonably be expected to reside;
- A person with whom dependent children reside or might reasonably be expected to reside;
- Persons who are vulnerable as a result of old age, mental illness, handicap or physical disability or other special reason or with whom such a person resides or might reasonably be expected to reside;
- A person who is homeless as a result of an emergency e.g. flood or fire;
- A person who is 16/17 who is not a relevant child or a child in need to whom a duty is owed under s20 of Children Act 1989;
- A person under 21 who was, but is no longer, looked after, accommodated or fostered between the ages of 16 and 18;
- A person who is aged 21 or more who is vulnerable as a result of having been looked after or accommodated or fostered;

- A person who is vulnerable as a result of being a member of HM forces;
- A person who is vulnerable as a result of having served a custodial sentence, having been committed for contempt of court or any kindred offence or having been remanded in custody.

14.5 **Overcrowding**

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

14.6 **Unsatisfactory Housing Conditions**

- Those lacking a suitable kitchen, bathroom or WC or sharing such facilities with unrelated households
- Those with no supply of cold or hot water
- Households with children under 14 where there is significant or excessive dampness to the property (Housing Health & Safety Rating System)
- Those tenants in the private sector where the Landlord would be, or has been, served with a repair notice by the Private Sector Housing Team (not applicable to council tenants).

14.7 Where the landlord rectifies the repairs to the satisfaction of the Private Sector Housing Team, the application will be re-assessed to determine whether this level of priority should still be awarded to the application.

14.8 **Medical Need**

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

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

14.10 **Care**

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

14.11 To qualify for this, the applicant must be moving to West Lancashire from another local authority area or if already resident in the area, be living more than 3 miles away from the family, friends or relatives who will be providing or receiving the care.

14.12 Hardship, Employment or Financial Grounds

14.13 Applicants will qualify for this level of priority where;

- There is a need to move to an area or locality to avoid hardship for example to access medical treatment or specialised services that would not be available to them if they did not move to that locality or to take up employment/training or to retain employment; or
- There is a financial need and the applicant is unable to afford to continue to occupy their current home (a financial assessment will be carried out)

14.14 Care Leavers Requiring a Move to Independent Living

- Care leavers who are unintentionally homeless are likely to have a priority need for re-housing under the homelessness legislation. However, in an effort to plan in advance to meet the needs of those known to be due to leave care, medium priority will be awarded. Should the applicant not be accommodated and threatened with homelessness within 28 days, a homelessness application will be processed.
- Applicants leaving the West Lancashire Crisis Centre following a period of supported living.

14.15 Homeless Prevention

- Applicants who are being dealt with via the Homelessness Advice & Prevention Team who are not yet within the statutory definition of being homeless but the future homelessness cannot be prevented. Applicants will only qualify for this priority if they would be unintentionally homeless and in priority need if they made a homeless presentation.

14.16 This will assist families to be re-housed before they are homeless and need to access emergency accommodation.

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

15.0 BAND C – LOW PRIORITY

- Applicants living with family/friends or lodging with no security of tenure but with no other housing need.
- Those renting in the private sector with an assured-shorthold tenancy of 12-months or less.
- Those living in a mobile home on a non-residential site.
- Those assessed as intentionally homeless with priority need and eligible for an offer of accommodation.

- Those assessed as being homeless but with no priority need.
- Those applicants who were in band A or B and have refused 3 reasonable offers of accommodation from the housing register.
- Those applicants who were in Bands A or B who have stated they are not ready to move but wish to remain on the housing register.
- Those applicants who have refused 1 reasonable offer of accommodation in the discharge of a homelessness duty.

15.1 Where an applicant has given up secure accommodation within the 12-months prior to the application, they may not qualify for this level of priority. The reasons for giving up a secure property will be taken into account.

16.0 BAND D – NO PRIORITY

- Applicants (including current owner occupiers) who would qualify for a higher band but have the financial ability to resolve their own housing need by purchasing a suitable property, renting in the private sector or having adaptations carried out to their current home.
- Those who occupy mobile homes on residential caravan parks and have no other housing needs;
- Any applicant who wants accommodation but has no assessed needs in a higher band;
- Secure Council or Housing Association tenants with no other housing need;
- Tenants in the private sector with more than a 12-month assured shorthold tenancy and no other housing need (once the tenancy has 12-months or less left to run, the application can be placed in band C);
- Any applicant who has been assessed as being unsuitable to be a tenant and has had 'reduced priority' awarded to their application;
- Applicants who have given up a secure property within the 12-months prior to the application who did not have a good reason for doing so.

17.0 Reduced Priority

17.1 By virtue of s.167(2B) and (2C) Housing Act 1996, an allocation scheme can state that no preference is given to an applicant where either the applicant or a member of their household has been guilty of unacceptable behaviour.

17.2 In accordance with this section, where the Council has assessed an applicant or a member of their household as being guilty of unacceptable behaviour but there are insufficient grounds to determine that the applicant is ineligible to join the scheme, the council may accept that applicant into the scheme with reduced priority.

17.3 Therefore, if an applicant would attract for example band A priority but they have been guilty of unacceptable behaviour, band D would be awarded. The applicant would have the right to seek a review of this decision. They would also have the option at a later date to request a review of their application should they feel that they should no longer be considered to have been guilty of unacceptable behaviour.

18.0 Savings & Assets

18.1 S.167(2A) Housing Act 1996 states that a local authority is entitled to take into account the financial resources available to the applicant when assessing the ability of the applicant to meet their own housing need.

18.2 All households applying to the housing allocation scheme will be assessed for their ability to secure accommodation at market rent or to purchase a suitable property within West Lancashire.

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

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

18.4 Where an applicant owns a property and is able to sell that property to purchase more suitable accommodation within West Lancashire, the applicant will be treated as being ineligible for an allocation.

18.5 The council will consider the following:

- Whether the applicant can sell their current home and re-purchase a more suitable property within West Lancashire;
- The expected equity after the proposed sale of the property;
- The applicant's current financial circumstances and commitments;
- Whether the applicant will be eligible for a mortgage;
- The supply of suitable accommodation on the open market for either sale or rent;
- Whether the applicant's needs can be met in the private sector;
- Whether adaptation of the current property is a viable option (based on waiting times for adaptations, eligibility criteria etc);
- Whether significant care or support needs would impact on the ability of the applicant to secure and maintain accommodation.

- 18.6 The council will not make an allocation where an applicant can afford a mortgage to buy a property within West Lancashire by using their assets and income.
- 18.7 Where the Council agrees to assist with re-housing, the applicant must not sell their home before they have accepted an offer of accommodation. However they must agree to sell the property as soon as they have been re-housed and not rent out their home or make any financial gain whilst waiting to sell.

19.0 Change of Circumstances

- 19.1 Applicants will be considered for re-housing by priority band and each band will be ordered by the date the band was awarded. If an applicant's circumstances change or they move address, their application will be re-assessed and they will be placed in the most appropriate band by the date they were awarded the new banding. Where the banding would not change, the original date awarded will remain.
- 19.2 If by changing their circumstances applicants would go in to a higher priority band then an assessment will be made to determine whether the applicant has knowingly contributed to a worsening of their housing situation. If they have then the application will remain in the band they were placed in before their circumstances changed.

20.0 Allocation Stage

20.1 Lettings Criteria

- 20.2 Properties will be allocated based on the applicant's preference and the property type and size they are entitled to under the policy.
- 20.3 A property will not be allocated to an applicant if it would be so overcrowded that it failed the statutory overcrowding test (see Appendix 2).
- 20.4 Applicants may be offered properties that are larger than the household needs if there are no suitable sized families on the register.
- 20.5 Normal letting criteria will not apply to any property that has been designated as an Open Let.
- 20.6 Some properties have been classified as lettings to those aged over 40. These properties will be let sensitively due to the nature of the accommodation. Each application will be considered on its own merits.
- 20.7 New tenants will not be allowed pets, which may cause a nuisance to other tenants in flats with communal entrances. This would include cats and dogs.
- 20.8 The lettings criteria can be found at Appendix 3.

20.9 Sensitive Lettings

20.10 The Executive Manager Housing and Property Maintenance Services may also agree to sensitive lettings policies to ensure a balanced mix within council accommodation. This can include setting minimum age limits for certain property types, adjusting the number of family homes let to families with children where there is a high concentration of children in a particular area.

20.11 Allocation Decisions

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

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

20.13 In compliance with this Regulation, all allocations will be authorised and approved by the Service Manager (Voids and Allocations) or a person delegated this authority by the Service Manager (Voids and Allocations).

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

21.0 Open Letting

21.1 A number of Council dwellings may be offered for direct letting. These properties are known as "Open Lets" and will be available on a first come first served basis.

21.2 Generally these properties will be within areas of lower demand and normally before any such property is classed as an open let, checks will be made to ensure that there are no applicants on the housing register seeking such a property in that area.

22.0 Adapted Dwellings

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

22.2 Such adapted properties may be offered to applicants who have not expressed a preference for the area the property is within if the property is particularly suitable to a persons needs. Should an applicant refuse such an offer, it will not count towards the 3 reasonable offers, which are normally made.

23.0 Local Lettings Policy

23.1 Section 167(2E) Housing Act 1996, enables housing authorities to allocate accommodation to people of a particular description, whether or not they fall within the reasonable preference categories.

23.2 Local Connection Preference

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

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

23.5 For the purpose of establishing in which areas preference will be given to people with local connections the District is divided into the following categories of housing areas: –

- **Very Low Stock Areas**

(smaller villages and rural areas containing less than 1.5% of the total housing stock)

- **Higher Demand Areas**

(larger villages or towns with less than 1% long term void homes –i.e. homes vacant for less than 6 months)

- **Lower Demand Areas**

(larger villages or towns with more than 1% long term void homes – i.e. homes vacant for more than 6 months)

23.6 In each of these housing areas the Council will seek to give varying degrees of preference to applicants with local connections. In the areas with least stock the Council will give greatest preference to applicants with local connections. Generally these are rural or small village areas. The level of preference will reduce in areas with more stock or lower levels of demand. These areas and levels of preference are set out in Appendix 1.

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

23.8 100% Local Connection Areas

23.9 In areas where 100% local connection preference applies offers will first be made to those with a local connection who have the highest priority and who have had that level of priority the longest. This means that an offer may be made to an applicant with a lower housing need priority on the basis of their local connection preference. If there are insufficient numbers of applicants that meet the local connections criteria on the Housing Register then offers of allocations will be made solely in the normal manner based upon priority need and date order.

23.10 50% Local Connection Areas

23.11 In areas where the minimum 50% local connections preference applies a quarterly quota of allocations may be established based upon the estimated average number of allocations per annum for the area. This will provide the basis for the estimated minimum number of allocations to be made to applicants with local connections per quarter. If necessary the Executive Manager Housing & Property Maintenance Services may adjust the quarterly quota, to take into account performance in earlier periods and to ensure the annual target quota of minimum 50% is achieved.

23.12 Offers of accommodation will be made in accordance with the normal priority banding procedure to the applicant with highest priority. Where this will result in the minimum 50% quota for local connections not being achieved in the quarter then offers will be made instead to applicants with local connections who have greatest priority until the minimum quota is achieved. This may result in an offer being made to an applicant with a lower housing need priority or from a lower priority band on the basis of their local connection preference.

23.13 If there are insufficient numbers of applicants that meet the local connections criteria on the Housing Register then offers of allocations will be made solely in the normal manner based upon priority need and date order and in these circumstances the target quotas may not be achieved

23.14 Any preference for a local connection may only be given where the property offered is of a type appropriate to the applicants needs.

23.15 The Executive Manager Housing and Property Maintenance Services may adjust the category of individual property types, such as General Needs or Sheltered homes, from one category to another to reflect any differences in the availability or demand for these different types of stock within a housing area and may also decide that certain property types can be removed from the local letting procedure, e.g. low demand sheltered housing.

23.16 Review of Local Lettings Procedures

23.17 In order to ensure the best use of council accommodation, the Executive Manager Housing and Property Maintenance Services is authorised to review and if necessary adjust the list of housing areas within each category as set out

in Appendix 1 to reflect changes in levels of housing stock or levels of demand for homes in different areas.

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

23.19 The Executive Manager Housing and Property Maintenance Services is also authorised to amend the annual target allocation figures to people with local connections in response to urgent, unplanned or exceptional circumstances.

23.20 An audit of lettings will be made on a quarterly basis (i.e. June, September, December with an annual report being produced in March each year). Quarterly audits will allow the Service Manager (Voids and Allocations) to monitor the quota's being achieved to ensure that the policy is being followed. Regular audits will also allow for the quota's to be adjusted where necessary following approval from the Executive Manager Housing & Property Maintenance Services.

24.0 Local Connection Criteria

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

- Have lived in that area for a period of 3 out of the last 5 years prior to the date of their application; or
- Have close family who have lived in that area for a minimum of 2 years prior to the date of application and the applicant must indicate that they want to move nearer to them. Close family includes parents, adult children and siblings. Relations such as step-parents, grandparents, grandchildren, aunts and uncles can be considered close if there are sufficiently close links in the form of frequent contact, commitment or dependency; or
- Have been permanently employed in an area of the district for at least the previous 12-months or
- Be required to move to or remain in that area to receive support of local organisations or support facilities such as day centres or treatment centres which they could not otherwise reasonably attend.

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

24.3 To satisfy the requirement of being employed in the area, the applicant must be currently employed in the area and have been for at least the last 12-months on either a full-time or part-time basis. The self-employed will be considered to have a local connection to an area only where they work in that area. Applicants undertaking casual work will not be considered to have a local connection.

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

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

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

25.0 Local Connection and Homeless Applicants

25.1 To reflect Housing Ombudsman advice on ensuring that where the Council accepts a client as unintentionally homeless and in priority need, the local connection criteria will be applied in a balanced and appropriate manner.

25.2 Guidance from the Ombudsman suggests that where an applicant has been accepted as unintentionally homeless and in priority need, the lack of a local connection should not prevent that person from being housed.

26.0 Offers of Accommodation

26.1 In areas where the local connection policy applies (see Appendix 1), offers of accommodation will normally be made in accordance with that policy.

26.2 In areas where there is no local connection policy or where there are no local applicants registered for accommodation in the area, offers of accommodation will only be made to those applicants on the housing register who are seeking a property of that type in that area.

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

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

26.5 Applicants who have been awarded Bands A or B who when offered accommodation state they are not ready to move but wish to stay on the list, will have their banding reviewed and reduced to band C. This is because bands A & B are awarded to applicants who have an urgent need for accommodation. If on reviewing the case, the Housing Options Team feel that the priority banding should be reduced to band C, the applicant will be informed in writing and of their right to appeal.

27.0 Reasonable Offers

27.1 Offers will be considered reasonable if:

- The property is in one of the preferred areas chosen by the applicant (unless the applicant is homeless);
- The size of the accommodation is suitable;
- The design of the property meets the individual's medical needs;
- The household would not be at risk of violence or harassment.

27.2 In addition the Council will endeavour to meet the following requirements, although this may not always be possible:

27.3 The property is within a reasonable distance of

- a place of work
 - schools attended by children
 - support provided by family and friends

28.0 Refusal of Offers

28.1 Applicants will normally be required to decide on an offer of accommodation within 7 days of being notified of the offer.

28.2 Waiting list applicants who have been placed in bands A or B (reasonable preference) who refuse 3 reasonable offers will have their applications re-banded to Band C.

28.3 Waiting list applicants who have been placed in bands A, B or C who do not respond to 2 offers of accommodation will be written to and asked if they wish to stay on the housing register. Where there is no response, the application will be cancelled.

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

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

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

29.0 Joint Tenancies

29.1 At the time that an offer of accommodation is made, applicants will be advised of the tenancy requirements. They will also be made aware of the option of a joint tenancy in appropriate cases including the implications for succession rights of partners and children.

29.2 The Council normally grants a joint tenancy when adults share accommodation as partners, including same sex partners, or as unpaid carers.

29.3 In a case where a Council tenant dies and another household member who does not have succession rights to the tenancy has:

1. been living with the tenant for a year prior to the tenants demise; or
2. been caring for the tenant; or
3. accepted responsibility for the tenants dependents

29.4 The Council will normally grant a tenancy to the remaining person or persons either in the same home or suitable alternative accommodation, providing that those persons would have sufficient priority under this allocations policy and there will be no adverse implications for the good use of the Council housing stock.

29.5 A joint tenancy will not be granted to two or more people if any one of them is a person from abroad who is ineligible or is a person being treated as ineligible because of unacceptable behaviour.

30.0 Exceptional Circumstances

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

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

31.0 Nominations to Registered Social Landlords

31.1 The Council has a number of nomination agreements with Housing Associations and will always endeavour to submit nominations for vacancies when requested. These nominations will be taken from the Housing Register in accordance with the procedure for offers.

31.2 Applicants for accommodation will be advised of the nomination procedures and given the opportunity to indicate on their application if they are willing to be nominated.

32.0 Review of the Housing Register

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

33.0 Reviews

33.1 S.167 of the Housing Act 1996 (as amended) states that applicants have the following rights:

- a) to be notified in writing of any decision not to award preference under the scheme because of unacceptable behaviour serious enough to make him or her unsuitable to be a tenant;
- b) the right on request to be informed of any decision about the facts of his or her case which has been or is likely to be taken into account in considering whether to make an allocation; and
- c) the right on request to review a decision under (a) or (b) above or a decision to treat the applicant as ineligible because of unacceptable behaviour

33.2 The review process can be found at Appendix 4.

APPENDIX 1

LOCAL CONNECTION AREAS

Altcar	100%
Appley Bridge	100%
Banks	100%
Bickerstaffe	100%
Halsall	100%
Haskayne	100%
Hesketh Bank	100%
Newburgh	100%
Parbold	100%
Rufford	100%
Scarisbrick	100%
Tarleton	100%
Westhead	100%
Wrightington	100%
Aughton	50%
Burscough	50%
Old Skelmersdale	50%
Ormskirk	50%
Up Holland/Roby Mill	50%
Ashurst	0%
Birch Green EMB/Central	0%
Clay Brow	0%
Digmoor	0%
Holland Moor	0%
Little Digmoor	0%
New Church Farm	0%
Tanhouse EMB and 4&5	0%
Yewdale	0%

Overcrowding Assessment Guidance - The Bedroom Standard

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

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

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

Bedrooms converted into other uses are not included.

Bedrooms not in use are included unless they are uninhabitable.

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

A pregnant woman will be assessed as requiring a room for the unborn baby at 20 weeks.

Lettings Criteria

Property Type

Qualifying Groups

Bedsits	Single people & couples without children
Flats/Maisonettes	Single people, couples, families where the youngest child is aged over 16. Households with children aged under 16 if requested.
Houses	Households with children where the youngest is aged 16 or under.
Bungalows	Households with a disability & those over 60.

Sheltered housing is reserved for those single people or couples aged 60+.

Number of bedrooms

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

The following criteria will be followed:

- Each married/co-habiting couple will require a bedroom
- Each adult aged 21 years or more will require a bedroom
- Each pair of children of the same sex aged between 10-20 will require a bedroom
- Each pair of children aged under 10 of the same sex requires a bedroom (once one child reaches the age of 10, they can be paired with another person of the same sex who is aged 20 or under. Where this is not possible, the unpaired child will require a separate bedroom).
- Children of the opposite sex will not be expected to share a bedroom irrespective of their age. Where they cannot be paired with another same sex child, they will require a separate room. This will prevent the need for a transfer of accommodation in the future.

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

The Review Process

The Original Decision

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

The decision letter will state;

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

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

Review Procedure

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

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

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

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

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

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