

EXECUTIVE MEMBER: Councillor Clements
LEAD OFFICER: Fergus McMorrow
REPORT AUTHOR: Laurie Priebe

Summary and Recommendation:

On 10 February 2010 the Strategic Housing Panel considered the attached report describing progress on the Cumbria Choice Based Lettings Project. This included the current draft lettings policy, also attached, which went to County-wide partner consultation on 22 February 2010 until 9 May.

The Strategic Housing Panel resolved to recommend that the Executive approves progress to date.

1. INTRODUCTION

At its meeting on 11 November 2008 the Executive agreed in principle to join the scheme subject to the conditions listed in paragraph 1.1 of the attached report. The report and current draft lettings policy satisfy those conditions but it is too soon to recommend a committing decision because the policy is in consultation.

2. CENTRAL GOVERNMENT POLICY

After extensive testing of a range of pilot schemes launched in 2001 the government decided to set a target for all housing authorities to adopt choice based lettings systems by 2010. The expected “go live” date for the Cumbria-wide scheme is December 2010.

3. BENEFITS TO SERVICE USERS

The essential difference between choice based systems and the traditional model is that the latter required service users to wait passively and indefinitely. Their only choice was to “take it or leave it” if or when the offer of a home was made. Choice based systems break the dependency mould by inviting service users to “bid” for vacancies that are advertised extensively every week. The bidding process and operation of the scheme is described in Section 4 of the attached draft lettings policy.

Members' attention is drawn to paragraph 4.7 of the policy describing how particularly vulnerable customers can be protected by enabling care and support agencies to make bids on their behalf.

4. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS

Human resources implications will fall upon the provider organisations. These are the Housing Associations in the four Districts to have transferred their stock plus Barrow Borough Council (who retained theirs) and South Lakeland District Council's Arms Length Management Company for housing. In Copeland, staff in Customer Services and our Housing Options & Homelessness Service will encourage clients to use the advertising to make bids.

The financial implications for the Council are limited to a one-off joining fee of £11,862. This will be funded from the carried forward of budget from 2008/09 agreed by Executive in June 2009 and reflected in the current approved budget of the service reported to the Executive as part of Q3 monitoring. It will be necessary to carry forward this element of the carry forward to 2010/2011.

5. IMPACT ON CORPORATE PLAN

The recommendation is consistent with the objectives in the Corporate Implementation Plan.

List of Appendices: Appendix 1; Draft Choice Based Lettings Policy

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed. This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	None
Impact on Sustainability	Will promote stable and sustainable neighbourhoods
Impact on Rural Proofing	Will include rural communities and respect for local rural connections
Health and Safety Implications	None
Impact on Equality and Diversity Issues	Advertising will be accessible to disadvantaged and minority groups
Children and Young Persons Implications	None
Human Rights Act Implications	None
Monitoring Officer comments	None
S. 151 Officer comments	The one-off payment of £11,862 can be met from the carry-forward from 2008/09 included in the current approved 2009/10 budget for housing. This will need to be reflected in the year end provisional revenue outturn report to enable the commitment to be met.

Is this a Key Decision? No

**Recommendation from Strategic Housing Panel
Cumbria Choice Based Lettings Scheme**

EXECUTIVE MEMBER: Councillor Clements
LEAD OFFICER: Fergus Mc Morrow
REPORT AUTHOR: Laurie Priebe/Alan Davis

Summary and Recommendation:

This report updates the Panel on progress made with the Cumbria Sub Regional Choice Based Lettings Project. It includes the current draft scheme, which will go to County-wide partner consultation on 15 February 2010 until 9 May 2010.

The Panel are requested to resolve their satisfaction with progress, subject to any amendments which may arise from the consultation process, and to ask the Executive to approve progress to date.

1. INTRODUCTION

1.1 At the meeting of the Strategic Housing Panel on the 9 September 2008 members considered a report recommending that Copeland should participate in the county wide Cumbria Choice Based Lettings scheme subject to a number of conditions being met. These were:

- the funding bid to the CLG should succeed
- the Council's financial contribution should be proportionate
- the scheme should be viable in terms of the number of participating organisations and their stock
- for the letting of homes in Copeland, the scheme should allow adequate weight to be given to bidders in significant housing need with local connections to the Borough's area
- no service users should be excluded other than those to whom statutory exclusions apply.

1.2 The initial report also stipulated that the financial implication as at 12 August 2008 was that the Council would have to make a one off payment of £10,000 towards costs in 2010/11 and that any cost variations would be reported to the Panel and on to the Executive in time for the final decision on participation to be made. It now transpires that the Council's contribution will most likely

be £11,862.

- 1.3 At its meeting on 11 November 2008 the Executive agreed in principle to join the scheme subject to the conditions listed in 1.1 above and that further progress reports be made. Reports were subsequently made to the Strategic Housing Panel on 17 June 2009 and the Executive on 28 July.

2. PROGRESS TO DATE

- 2.1 This is best measured against the conditions listed in paragraph 1.1 above.

- 2.2 The funding bid to DCLG was successful and a grant of £100,000 obtained for the Cumbria-wide scheme total start-up costs.

- 2.3 Indicative contributions from the 6 Cumbria local housing authorities are shown in the following table and officers view Copeland's contribution as proportionate.

Local Authority	£ Contribution
Allerdale	10,000
Barrow	15,000
Carlisle	17,356
Copeland	11,862
Eden	8,763
South Lakeland	17, 204

- 2.4 All 6 Cumbria housing authorities are joining the scheme and all major stockholding Registered Social Landlords.

- 2.5 The draft scheme allows for adequate weight to be given to bidders in significant housing need with local connections in the Copeland Borough Council's area (including within the Lake District National Park).

- 2.6 No service-users are excluded from the scheme apart from people excluded by statute law.

- 2.7 Since the last progress reports (June and July 2009) Barrow Borough Council and Allerdale Borough Council have chosen to join the scheme.

3. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)

The indicative cost to the Council is a one-off payment in 2010/2011 of £11,862, for which revenue budget provision would have to be made. Any further

variations will be confirmed to members before any final decision on membership is recommended.

4. IMPACT ON CORPORATE PLAN AND RECOMMENDATION

This report and recommendations are in accordance with the Council's action plan following the Audit Commission's housing inspection report of April 2008.

Draft

**Cumbria Choice
Sub Regional Choice Based Lettings
Allocations Policy**

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Summary of the Scheme

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

It is managed through a web based computer system.

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

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

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

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

At the end of the 'bidding' process a short list is compiled, taking into account: the band of the customer, the 'effective' date of the application, and any local connection.

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

In certain situations exceptions to the policy will apply and these are detailed in the policy. These exceptions, such as 'direct lets' or 'local lettings policies' allow the individual partners to respond appropriately to certain individual housing need and to effectively manage their housing stock. All exceptions to the general policy will be recorded and monitored.

Section 1 Introduction and Background

1.1 Cumbria Choice Sub Regional Choice Based Lettings

Cumbria Choice is a partnership scheme which has been developed to allocate social rented housing in Cumbria, through a choice based lettings system. It will operate a fair and transparent scheme; one that enables customers to have more choice about where they live.

Members of the partnership have developed and agreed this Allocations Policy for letting the property across the Sub Region. They have agreed one common housing register for people wanting access to social housing and one lettings policy.

The Cumbria Choice scheme is operated and managed through a shared web based ICT system

The Partnership members are the 6 District Authorities in Cumbria, 8 Social Housing Providers and Cumbria Supporting People:

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

Accent Housing
Derwent & Solway Housing
Eden Housing
Home Group including Copeland Homes
Impact Housing
Riverside
Two Castles Housing
South Lakes ALMO

Cumbria Supporting People

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

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

- The Housing Act 1996 and the Homelessness Act 2002
- Office of the Deputy Prime Minister: Allocation of Accommodation - Code of Guidance For Local Housing Authorities. November 2002

- Department for Communities and Local Government: Allocation of Accommodation: Choice Based Lettings - Code of Guidance for Local Authorities 2008
- Department for Communities and Local Government: Fair and Flexible - Draft statutory guidance on social housing allocations for local authorities in England 2009
- Department of Health: Housing Learning and Improvement Network – The impact of Choice Based Lettings on the access of vulnerable adults to social housing 2009
- Department for Communities and Local Government Circular 04/2009: Housing allocations – members of the armed forces
- Audit Commission: Housing Inspectorate Key Lines of Enquiry – Allocations and Lettings
- Homelessness Code of Guidance for Local Authorities 2006.

The partnership will ensure that its policy complies with the obligations placed upon it by other existing legislation, including but not limited to:

- The Race Relations Act 1976
- Disability Discrimination Act 1995
- The Sex Discrimination Act 1975
- The Equality Act (Sexual orientation) Regulation 2007
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- The Data Protection Act

1.2 Policy Statement

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

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

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

The partnership intends the allocation policy to have a positive effect on local communities by increasing tenant satisfaction with their housing, and by contributing to the development of sustainable communities. The partnership aims to provide a high quality service to its customers and intends to work

together to continue to develop the scheme to find joint solutions to housing problems, including those of homelessness.

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

1.3 Aims of the Scheme

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

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

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

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

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

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

To increase mobility by making available 10% of all properties to customers across Cumbria who have no local connection.

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

1.4 Statement on Choice

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

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

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

It is the Cumbria Choice policy that wherever possible customers wanting social housing should be able to choose the property for which they wish to be considered. However there will be some instances where it will be necessary to make a 'direct let' of a property to a household; e.g. when offering property to households to whom there is a statutory duty to house; households at risk of violence. (See section 3.5: Direct Offers)

1.5 The Partnership

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

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

1.6 Equality and Diversity

Cumbria Choice is committed to ensuring that its policy and procedures in the letting of property is non-discriminatory. This includes promoting equality of access to the service.

The Partnership is committed to assisting all customers to access the service, taking account of vulnerability or other specific needs, and also the needs of different ethnic groups.

To identify the needs of our customers the application form will have specific questions relating to vulnerability, ethnic origin, sexual orientation, disabilities etc. This information will be used to monitor the impact of the policy on minority and specific needs groups.

1.7 Accessibility

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

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

Those needing support, advice or assistance will be identified through information given on the application form and also through staff, other professional and voluntary groups, and also the ICT system which can be used to monitor whether some customers are not bidding or are making inappropriate bids.

The Partnership has ensured that the system itself is accessible. Easy to read guides explaining how the scheme works will be sent to all customers when they request an application form and once they are registered. All forms and guides will be available on request in other formats and languages.

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

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

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

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

In exceptional circumstances 'automatic bidding' (see Appendix 6.1 definition of terms) will be available – this is not a preferred option as it reduces customer choice.

1.8 Monitoring

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

Monitoring will be used to ensure that:

- Those in the 'reasonable preference' categories are given priority for housing (see section 3.1)
- Lettings are broadly proportionate to the profile of local communities
- Lettings within 'the bands' accords with the stated aims of the policy (see section 3.4)
- Customers in special needs groups are successfully accessing housing.
- There is overall customer satisfaction with the scheme.

1.9 Information sharing, confidentiality and data protection

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

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

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

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

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

When short listing for properties there will usually be a priority given to customers with a local connection. However there is a commitment to make 10% of vacancies available without the requirement for a local connection. (see section 4.8 for definition of local connection)

2.1 Who can Apply

❖ ***Further information on Eligibility for Accommodation is listed in Appendix 4***

1. Anyone over 16 years – UNLESS:
 - i. They are a person from abroad and have been classed by the Secretary of State for Communities and Local Government as ineligible of housing.
 - ii. They or a member of their household is guilty of unacceptable behaviour serious enough to make them an unsuitable tenant.
2. Open Register: Cumbria Choice operates an open register and will accept all people regardless of their housing need or whether they are from outside Cumbria, subject to them meeting the eligibility criteria
3. Joint Applicants: joint applications will be accepted and will be treated as one application. A joint applicant cannot make a second application in their own right or with another applicant. The housing need of the full household will be considered in assessing housing need. Joint applicants will normally be offered a joint tenancy.
4. Employees or their relatives: those working for, or elected to the Governing Body of a partner organisation, or, are related to such a person will be eligible to apply. Any offer of accommodation will be subject to the approval of the Governing Body of the organisation offering the property.
5. Owner Occupiers (and those with the financial means to purchase property):
 - These people can access the scheme. They will be assessed and placed in the appropriate 'banding' subject to an assessment of their financial means and ability to purchase

6. 16/17 year olds: customers aged 16/17 years will be able to register but will remain suspended until after they have reached 18 years unless:
- They are a homeless young person to whom a duty is owed under Part VII, Housing Act 1996 and a full housing and support assessment has been made by Children's services.
 - They are accepted as requiring move-on accommodation following a successful period in a recognised supported housing scheme and have a move-on support package.
 - They are referred by Children's Services as a care leaver and a recommendation for housing has been made.
 - They are referred by Children's Services following a housing and support assessment with a recommendation for housing having been made.
7. Tenants of social housing organisations: tenants may apply to the Register at any time and will have their priority assessed in the same way as other customers. However, some transfer moves are exempt from the requirements of Part 6 of the Housing Act 1996 and will be dealt with separately. This includes assignment or succession by a relative and mutual exchanges.
8. Persons from Abroad
- Housing authorities are required by law to establish if a person is eligible for housing or whether they are excluded from an allocation under the Asylum and Immigration Act 2002.
 - Where a person's eligibility for housing is unclear investigations will be undertaken to establish the person's entitlement for housing.
9. Prisoners: prisoners can register but will be unable to 'bid' until after they have been released from prison. Until release their application will be suspended.
10. Serious Unacceptable Behaviour:
- People will not be accepted onto the Register if they or a member of their household has been involved in 'serious unacceptable behaviour'. This means behaviour serious enough to make him/her unsuitable to be a tenant of any Cumbria Choice partner landlord.
- Examples of such behaviour are:
- serious anti-social and/or criminal behaviour
 - racial harassment and other hate related crimes;

- violence or threats of violence to staff or the agents of partner organisations in the Cumbria Choice scheme.
- domestic violence;
- serious rent arrears owed to a Landlord within the Cumbria Choice scheme or other private landlord.

11. Unacceptable behaviour

- Applicants will be suspended from the register where they have been guilty of unacceptable behaviour but where that behaviour is not serious enough to treat them as ineligible for housing.
- All applicants will be allowed to register and given a Banding that reflects their housing need but their application may be suspended. During this time they will be unable to bid for a property.
- Examples of unacceptable behaviour are: current or former rent arrears owed to a Cumbria Choice partner landlord or other private landlord; current or former rechargeable repairs owed to a Cumbria Choice partner landlord; damage to property either deliberate or through neglect, whether caused by the tenant or not; anti-social behaviour including noise nuisance and low level intimidation.
- In the case of debt, each case will be considered on the individual circumstances that have given rise to the debt. In certain cases of urgent or high need for housing the application will not be suspended.
- In cases where the debt is less than £200 customers will be able to register but will be given a reduced priority. They will be able to bid but their bid will be unsuccessful if a customer in the same band, who has a clear rent account, bids for the same property.

2.2 How to Apply

To join the Cumbria Choice register customers need to complete an application form. The form can be obtained from the offices of any partner agency or completed on line via the website.

The application form will be available in other formats and languages on request.

Customers will be required to sign a declaration to:

- Confirm that the information given is correct and that they will notify Cumbria Choice of any change in their circumstances.

- Give consent to allow enquiries to be made concerning their eligibility for housing and level of priority.
- Give consent to allow information to be provided to another partner organisation in the scheme.

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

Existing or previous tenants will be asked to provide a reference from their current or previous landlord. Alternatively, a character reference may be requested from a professional person who has known the customer for at least 2 years, if the customer has not held a previous tenancy. This applies to both customers where there is a joint application. In some circumstances additional information may be requested.

2.3 Police Checks/Information

Where a customer indicates on their form that they have an unspent criminal conviction a criminal records bureau check or further information will be sought about the offence(s). This will be done to establish whether the person has been involved in a serious crime(s) that would pose a serious risk to the community if they were to be housed within that community.

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

2.4 Notification of registration

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

- Their registration date
- Their registration reference number
- The Band they have been placed in.
- A Priority Band date if that is different from their date of registration (see section 3.3; the 'effective' date)
- Their username and password for the Website.

If an application is moved into a higher priority band the 'effective date' is taken to be the date it was moved into the higher priority band. Where an application is moved out of a priority band the waiting time reverts to the original date of registration.

When customers receive their letter of registration they will also receive a guide to the Cumbria Choice Scheme. This will inform them about how the scheme works and will include such information as: how applications are

banded; where to look for advertised properties; how to register an interest in a property, 'bid'; what checks are made before an offer is confirmed.

2.5 Changes in Circumstances

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

2.6 Reviewing the Register

Each customer on the Common Housing Register will have their application reviewed annually on the date the application was registered. A letter will be sent to all customers requesting confirmation of details. If a reply is not received within 28 days of the date sent the application will be cancelled.

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

2.7 Cancelling Applications

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

- i. At the customers request.
- ii. If the customer becomes ineligible for housing on grounds of their behaviour.
- iii. When the customer has been housed.
- iv. When a social housing tenant completes a mutual exchange.
- v. Failure to reply to a review letter or requests for further information within a given time period.
- vi. Where it is discovered that the customer has given false or misleading information

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

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

2.8 Giving False Information

Under section 171 of the 1996 Housing Act it is a criminal offence for anyone applying for housing from a housing authority to knowingly give false

information or to withhold information which is relevant to their application. An offence is also committed if a person allows a third party to provide false information on their behalf.

Customers who are found to have withheld or given false information will be removed from the register for 2 years. The customer will be informed in writing of the decision and advised of their right to request a review.

2.9. Deliberate Worsening of Circumstances.

In certain circumstances a customer's priority will be reduced where there is evidence that they have deliberately made their housing situation worse in order to gain a higher priority for housing.

3.1 Priority for Housing

To determine the priority of customers for housing a Banding Scheme has been used. The scheme has 4 Bands. Those assessed with a medium to high need for housing will be placed in one of three priority Bands. The priority bands are: Band A; Band B; and Band C, with Band A being the highest priority. Those with low level or no housing need will be placed in Band D.

In framing this policy and to ensure that those in greatest need are given preference for an allocation of accommodation, the partnership has taken into account the categories of people that must be given reasonable preference by Local Authorities, as set out in section 167(2) of the Housing Act 1996 and the Homelessness Act 2002:

- People who are homeless, as defined by Section 175 Part VII of the 1996 Housing Act.
- People that have been found in priority need for accommodation by the local authority under section 190(2), 193(2), or 195(2) of the Housing Act 1996 or under S65(2) or S68(2) of the Housing Act 1985.
- People that are occupying a property secured by the local authority under Section 195(3) of the Housing Act 1996 (persons not in priority need who are not intentionally homeless)
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to disability
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship to themselves or others.

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

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

3.2 Cumulative Needs

This scheme takes account of customers who have more than one housing need and gives them additional priority e.g. a medical need and living in overcrowded conditions. They are placed in Band B.

3.3 Waiting Time – The ‘Effective’ Date

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

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

3.4 The Banding Scheme

Customers applying for housing will have their housing need assessed in accordance with the following housing need categories and be placed in one of the four bands.

Information from the registration form will be used to assess housing need. In certain circumstances the customer may be required to provide additional information to enable a correct assessment of their current housing situation. Where appropriate, customers experiencing severe housing problems will be directed to voluntary and statutory agencies, for example the Local Authority Homelessness Section.

The customer's need for housing will be assessed when they first apply to the register. At offer stage a further check will be carried out to confirm the housing situation and that there has been no change of circumstances.

Customers will be advised in writing of their band and will be advised of their right to a review if they believe that have been placed in an incorrect Band.

Band A: Urgent Need for Housing
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a) Statutory Homeless

Households that have been accepted by a participating local authority as unintentionally homeless, in priority need and with a local connection to that area.

b) Victims of Domestic Abuse

Priority will be given following referral or advice from relevant statutory and/or support agencies.

c) Severe Harassment and Hate Crime

Victims of severe harassment and hate crimes where there is an urgent need to leave the property through violence or the threat of violence to the household or property.

Priority will be given following referral or advice from relevant statutory and/or support agencies.

d) Severe Medical Need

A person within the household who is living in or unable to return to a property due to a medical condition which prevents them from being able to access the property or necessary facilities at the property e.g. toilet and/or bathroom facilities or they is significant risk of harm to them when accessing them.

Armed Forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she or a member of their household, has sustained as a result of service.

Customers will be required to complete a medical questionnaire to establish their medical need.

People who have an urgent need for accommodation due to a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care. Confirmation of this will need to be provided by a Doctor, specialist, or relevant professional.

e) Statutory Overcrowding

Households who have been assessed by Environmental Health as statutorily overcrowded as defined by the Housing Act 1985.

f) Unsanitary Conditions

Households living in unsafe or unsanitary conditions as defined by the Housing Health and Safety Rating System and where there is a high risk of harm and intervention by the Local Authority on the grounds that the property is uninhabitable.

Owner occupiers will only be considered if they are elderly, disabled or have a mental health problem and their property is uninhabitable because it has fallen into disrepair and they do not have the financial means to repair the property themselves.

g) Demolition or Regeneration Area

People losing their home due to a regeneration scheme within the area of one of the partner organisations; this includes council tenants, registered social

landlord tenants, private tenants and owner occupiers living within the boundary of the regeneration area who need to move.

People living-in, with the main household, who require their own accommodation will qualify if it is their main or sole residency, are eligible to register with the scheme and can prove at least 12 months residency.

If it is deemed necessary to complete the regeneration programme additional priority by way of increased time within the Band will be given. This will be done after consultation with the Local Authority and other partner organisations within the regeneration area. Additional waiting time of up to 6 months can be awarded and will be given as it relates to the phasing requirements of the regeneration area.

Band B: High Need for Housing

a) Cumulative Preference

Where household have two or more of the housing needs as listed in Band C.

(Households will not qualify for band B where they only meet 'a' and 'b' of Band C).

b) Supported Accommodation

People who have been living in supported accommodation for at least 6 months and who have been assessed as ready for independent living. This must be confirmed in writing by the support agency. (A standard form may be introduced for this process)

Customers can register when they move into supported accommodation and will be initially placed in the lowest banding. If they are later given Band B+ priority their effective date of registration will be taken as the date they moved into that providers supported housing.

c) Under Occupation

Social housing tenants of the partner organisations where they are now under occupying a house by 2 or more bedrooms.

Applicants will not be considered where they under occupied a property from the start of the tenancy.

Band C: Medium Need for Housing
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a) Non-Priority Homeless

Households who have been accepted by a participating Local Authority as homeless but who have no priority need or are found to be 'intentionally homeless'.

(Households who are no longer owed the main homelessness duty as a result of refusing a reasonable offer of accommodation under sections 193(7) and 202 of the 1996 Housing Act.)

b) Insecure Tenancy

Households in an insecure tenancy and who are likely to be homeless in 8 weeks. Customers will need to supply the legal Notice to Quit confirming the date the tenancy is due to end.

c) Harassment and Hate Crime

Households where there is evidence of persistent harassment. This is harassment that has had a detrimental effect on the lives of the applicant and their family but which has not led and is unlikely to lead to imminent violence or damage to their property.

d) Households Needing to Move to a Particular Locality on Hardship Grounds

Household who need to move to a particular locality within Cumbria to avoid hardship to themselves or others. This would include people needing to move for employment, or to be near relatives to give or receive support. It would need to be seen as unreasonable to expect them to commute from their current home.

Customers would need to provide evidence of their need to move e.g. employer or health professional.

Customers in this category would not need to have a local connection to the Local Authority area but are only eligible to bid on properties in this area.

e) Households Overcrowded

Overcrowding is assessed on the number of people within the household and the number of bedrooms in the property. See Appendix 4.

Families who have chosen to allow other persons to move into the property will not be considered overcrowded.

People who have access arrangements will not be considered as overcrowded as the children's main home will be classed as being with the partner who claims child benefit.

f) Poor or unsuitable accommodation

Households who are sharing facilities with other people who are not members of the same household. This includes people living in caravans if they share outside communal facilities.

People who have no accommodation, e.g. sleeping rough and those moving from place to place.

Households in flats above ground floor with young children under 10 years.

g) Medical or Welfare Need

The applicant has a medical condition that makes using toilet and bathroom facilities within the property difficult and they would benefit from alternative accommodation. (a medical questionnaire will be used to establish this medical need).

A household with a child in need (as defined by the Children Act 1989) where a formal referral has been made by Social Services with the aim of safeguarding the welfare of the child.

Children leaving the care of the Local Authority under the Children (Leaving Care) Act 2000.

h) Under occupation

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

Applicants will not be considered where they under occupied a property from the start of the tenancy.

Band D: Low Need for Housing

People assessed as having low or no identified housing need.

3.5 Direct Offers

In some circumstances a property will be let directly to an applicant without being advertised. This is when: a sensitive letting is required due to the person's previous history; where there is an urgent need for housing and it

would cause serious hardship or risk to the customer if they were required to bid for a property; there is a need to make best use of the housing stock.

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

- Tenants of partner organisations that need to move on a temporary basis due to a fire.
- People who are at imminent risk of violence and are to be housed through a witness protection programme.
- Vulnerable people who are to be housed as part of a multi-agency protocol where a full support package is in place.
- Where an existing social housing tenant is required to move to make best use of stock and suitable accommodation has not been secured through the Scheme e.g. to make available a fully adapted property, urgently required by a priority customer.
- Where a sensitive letting is required for a particular property because of previous issues of drug dealing, violence, public protection or anti-social behaviour.

When a direct let is made this information will be included in the lettings results which are published.

3.6 Homeless Households

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

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

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

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

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

priority which is given on this basis will only apply to the Local Authority in which the homeless duty is owed).

These households will be able to bid for properties during a 6 week period. During this time the bidding pattern of such customers will be monitored to ensure that they are bidding and to identify those who are in need of further advice and assistance to help them through the process.

After the 6 week period, partner organisations have the right to place a bid on behalf of the homeless household. Where the bid is successful it will constitute an offer of accommodation in accordance with section 193(7) and 202 of the 1996 Housing Act. The offer will be made in writing and subject to appeal.

The homelessness duty will be discharged if an offer is made as a result of a successful bid on a suitable property.

Households who are no longer owed the main homelessness duty due to refusing a reasonable offer will be placed in Band C.

3.7 Households with a Disability

Adapted or properties designed to disability standards are included within the scheme to allow customers assessed as needing this type of accommodation an increased choice. This is consistent with the duty to promote disability equality.

Customers with an assessed need for accessible accommodation will be given priority for adapted/disabled designed property over other customers in the same priority banding. This will be made clear in the advert as well as information within the advert about the actual adaptations/accessible features.

The scheme enables customers who require adaptations to 'bid' for any property in the scheme. The decision on whether it is reasonable and practical to make the necessary adaptations will be taken by the partner landlord in accordance with the Disability Discrimination Act 1995 (as amended in 2006) and other relevant legislation. If it is reasonable and practical for the property to be adapted, the customer will be considered for the property on the same basis as the other applicants who have placed 'bids'.

3.8 Serious Offenders and Public Protection

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

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

In some circumstances this may restrict the choice of property available to the customer but they will wherever possible be given the opportunity to exercise some choice.

Section 4 How the Scheme Operates

4.1 Advertising the Properties

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

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

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

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

All categories of properties will be advertised. General needs properties; properties that have been adapted for those with disabilities; properties that are specifically for the elderly and which may have a warden and/or an emergency call system. Adverts will clearly indicate any restrictions on bidding e.g. where properties have been adapted and/or are specifically for people with disabilities.

Bids from customers will only be accepted if they meet all of the eligibility criteria for the property.

4.2 Extra Care Properties

Properties which provide extra care facilities under the Supporting People Programme will not be advertised as part of the scheme. Customers requiring these properties will need to apply direct to the provider.

4.3 Sheltered Housing

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

4.4 Quota system

To allow applicants in lower priority bands access to housing a quota system will be used. This allows a proportion of properties to be advertised as available only to those in a specific band. The system will be monitored to ensure that it does not operate to the detriment of those with a higher need for housing.

Local Authorities will decide the quota systems in their own areas in conjunction with their partner social housing providers. They will be individually decided to meet local requirements.

Partners will have formal agreements with the relevant local authority, specifying the % lets for each band. These will be reviewed by the partnership on an annual basis.

4.5 Re-advertised Properties

Where a property is being advertised for a second time due to no suitable applicants having bid initially, it will then be offered on the basis of the first to place a bid. However the customer will still need to meet any eligibility criteria.

4.6 The 'Bidding' process

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

Bids can be made in a number of ways: on the website using the username and password; by telephoning or visiting the office of a partner organisation; by mail; by automated telephone bidding; by proxy bidding (see below 4.6).

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

If a customer is bidding for more than one property they must indicate their order of preference. Customers are able to check their position on the list at the time of the bid, together with the total number of bids already placed. This allows customers to make decisions about their choice of property and the

likelihood of being successful. Within the bidding period, customers may withdraw bids and make further bids.

Only the customer whose bid is successful will be contacted.

4.7 Proxy Bids

The relevant Local Authority will be able to place bids on behalf of homeless households who have not made bids or not made any successful bids during the 6 week period. They will give due consideration as to whether it would be a 'suitability offer' should the bid be successful.

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

4.8 Short Listing

At the end of the advertising period a shortlist of suitable applicants will be produced by the web based IT system. Customers are ranked according to the Band and their 'effective date'.

Where priority is to be given to applicants with a local connection to the area this will be reflected in the short list. See local connection below: section 4.9

The customer at the top of the shortlist will be made the offer unless there is reason not to do so. See 'The Offer' 4.10.

Where a customer is at the top of more than one short list they will be offered the property of their first preference. Where there are two households with the same band and length of time on the register a decision to offer the property will be based on the household who would be most suitable for the property type.

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

4.9 Local Connection

Additional priority will be given to customers who have a local connection to the Local Authority area in which the property is located.

For some towns and villages where there is a high demand for housing additional priority will be given to customers who have a local connection to

the particular town or village. Advert details will state where a customer having a local connection to the specific town or village will be given priority.

A local connection means that a customer has either:

- been resident in the Local Authority area or specified town/village for at least 6 out of the past 12 months or 3 out of the past 5 years.
- Is at present employed in the district or specified town/village. The local authority should obtain confirmation from the employer that the person is in employment and that the employment is not of a casual nature.
- Has close family connection with someone who lives in the Local Authority area or specified town/village. Family connection means: parents, adult children or brothers or sisters who have been resident in the district for a period of at least 5 years.
- There are special circumstances which are considered to give rise to a local connection with the Local Authority area or specified town/village.

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

4.10 Section 106's

Under the Planning Act some developments are subject to Section 106. This requires property to be let to customers with a local connection to stated Parishes. Where this applies only those applicants meeting the requirements of the Section 106 will be eligible for an offer of a property.

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

4.11 The Offer

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

- If since joining the scheme an applicant has become ineligible.
- On verification of the applicants' details, the priority band was found to have been incorrectly awarded.
- The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.
- The applicant is unable to sustain a tenancy: this may be due to mental incapacity or lack of relevant support.

- The partner landlord has good housing management reason not to offer a property in a specific location or of a specific type to a customer.

When an offer of the property is made the customer will be required to bring proof of their identity to the viewing; passport, photo driving licence, birth certificate etc.

4.12 Refusing and Non Replies to Offers

Customers will not be penalised for refusing an offer. They will continue to be able to bid for other properties.

Note: those household accepted as statutorily homeless and owed a duty to house will lose their priority status if they refuse a 'suitable offer of accommodation'.

If a customer does not reply to an offer letter within 2 working days the offer is deemed to have been refused and the property will be offered to the second customer on the short list.

4.13 Local Lettings

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

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

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

4.14 Feedback on Lettings

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

The result of lettings made through the scheme will be published on the Cumbria Choice web site.

Section 5 The Review Process

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

5.1 There is a right to a review of a decision in the following situations:

- The customer disagrees with the band in which they have been placed.
- The customer considers that a decision has been reached based on incorrect information.
- The customer has been treated as ineligible on the basis of their immigration status.
- They have been treated as ineligible to join the register due to serious unacceptable behaviour.
- They have had their application suspended.

5.2 Customers will be notified in writing of decisions made and will be advised of their right to request a review of that decision.

5.3 Where a customer is excluded or suspended from the Register they will be given full information on the reason for the decision. They will be advised of what action they need to take to rectify the situation and any appropriate advice or assistance available.

5.4 Customers must request a review of a decision within 14 days of being notified in writing, unless there are exceptional circumstances.

5.5 Customers may contact any partner organisations in the scheme and must make their request either in writing, by email or by speaking to an officer of the organisation. They must give reasons why they believe an incorrect decision has been made.

5.6 The review will be done by a senior officer in the organisation dealing with the application. That officer will not have been involved in making the original decision.

5.7 Cumbria Choice will aim to complete and inform the applicant in writing of the decision, within 14 working days, after taking into account any additional information that has been provided by the customer. Alternatively the customer will be advised of any time extension required to make the decision.

5.8 The customer will be advised of the reasons for the decision and their right to request a formal appeal if they are still dissatisfied with the decision.

- 5.9 Customers must request an appeal within 14 days of being notified in writing of the review decision.
- 5.10 Customers may contact any one of the partner organisations and must make their request either in writing, by email or by speaking to an officer of the organisation and give their reasons for requesting a further review.
- 5.11 A review of the decision will be by a panel of at least 2 officers from within the partnership and one tenant representative. It will not include officers from the organisation that dealt with the review.
- 5.12 Cumbria Choice will aim to complete the second review and inform the applicant in writing, of the decision within 14 days of receiving all information from the customer.
- 5.13 A customer still has the right to follow the internal complaints procedure of the partner organisations dealing with their application. They would ultimately be able to follow through their complaint to the Ombudsman service.

6.1 Appendix 1 – Definition of Terms

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

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

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

Customers - those people applying to the scheme for housing.

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

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

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

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

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

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

Social Housing Providers - the term for a variety of housing organisations that provide not for profit housing and included local authorities, housing associations.

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

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

Void Times - the length of time a property stands empty before someone is able to move in.

Hard to Let - low demand property where it takes longer to find a tenant.

Direct Let - available property that is not advertised but offered straight to an identified person.

Automatic Bidding - within the ICT system a means of expressing an interest in a property for someone without them needing to make the bid themselves.

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

6.2 Appendix 2 - Contact Details for all Partner Organisations

Accent Housing Association
Ambassador House
Dalton Road
Barrow-in-Furness
LA14 1HZ
Tel: 0845 6780599

Allerdale Borough Council
Allerdale House
New Bridge Road
Workington
CA14 3YJ
Tel: 01900 702702

Barrow Housing Department
Cavendish House
78 Duke Street
Barrow-in-Furness
LA14 1RR
Tel: 01229 876523

Carlisle City Council
Civic Centre
Rickergate
Carlisle
CA3 8QG
Tel: 01228 548866

Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven

CA28 7SJ
Tel: 0845 0548600

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

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

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

Home Group
The Copeland Centre
Catherine Street
Whitehaven
CA28 7SJ
Tel: 01946 517650

Impact Housing Association
Nook Street
Workington
CA14 4EH
Tel: 01900 842100

Riverside Housing Association
English Gate Plaza
Botchergate
Carlisle
CA1 1RP
Tel: 0845 3458500

Two Castles Housing Association
3 Castle Street
Carlisle
CA3 8SY
Tel: 01228 547463

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

South Lakes Housing (ALMO)
Little Aynam House
Little Aynam
Kendal
LA9 7AH
Tel: 0845 0570080

6.3 Appendix 3 - Eligibility Policy

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

Cumbria Choice scheme does operate a policy of not accepting onto the Register those Customers who are ineligible due to serious unacceptable behaviour or UK residency requirements. Customers will be suspended in certain other circumstances. This action will be taken in limited situations where options to assist the applicant have tried and failed.

This action is taken for the following reasons:

- The customer has no legal entitlement to accommodation under the Asylum and Immigration Act 2002 and Housing Authorities are prevented under Section 160A of the 1996 Housing Act from allocating accommodation to anyone who is ineligible.
- Partner organisations within Cumbria Choice have a responsibility towards their existing tenants to put in place policies that allow them to live in safe and stable communities.
- Cumbria Choice wants to promote through its allocation policy the importance of good tenant behaviour amongst both existing and future tenants.

How decisions on eligibility will be administered:

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

An applicant's eligibility for housing will be considered:

- At the time he or she applies to join the CBL Register
- At the point at which he or she is to be considered for an allocation of property

1.0 Applicants from Abroad

1.1 The following are the main categories to which Cumbria Choice may allocate accommodation taking account of nationality and immigration status:

- Existing tenants
- British Nationals – who are habitually resident in the Common Travel Area which includes UK, Channel Islands, Isle of Man and Republic of Ireland.
- EEA Nationals
- Persons subject to immigration control who have been granted: Refugee status; exceptional leave to remain, indefinite leave to remain.
- Persons subject to immigration controls who are nationals of a country that has ratified the European Convention on Social and medical Assistance or the European Social Charter.

1.2 Where a person's eligibility is uncertain, appropriate checks will be made to establish their eligibility for accommodation. If necessary an inquiry will be made to the Home Office Immigration and Nationality Directorate

1.3 Customers who are ineligible to join the Register will be informed of the decision in writing and will be given the full reasons for the decision.

1.4 Customers will be notified of their right to request a review of the decision

2.0 Ineligible due to Serious Unacceptable Behaviour

2.1 Where Cumbria Choice is satisfied that an applicant or a member of their family is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant they are permitted to treat that applicant as ineligible for housing under section 160A (7) of the 1996 Housing Act.

2.2 When reaching a decision on whether an applicant is ineligible Cumbria Choice will follow the code of guidance for local authorities 2002 which sets out the 3 steps to consider when making an assessment:

- Is the behaviour unacceptable?: Behaviour will be regarded as unacceptable if it would have entitled the housing authority to a possession order if the applicant had been a secure tenant. This will be applied whether or not the applicant was actually a secure tenant. The behaviour must relate to the customer or a member of their household. Behaviour that relates to a person who is no longer a member of the household cannot be taken into account. e.g. an ex-partner.
- Is the unacceptable behaviour serious enough to make the applicant unsuitable as a tenant of the landlord?: Where there would be entitlement to a possession order the partnership will need to ensure that the behaviour was serious enough to make the person unsuitable to be a tenant of one of the housing organisations in the partnership.
- Is the behaviour current or has it improved?: Unacceptable behaviour will be behaviour at the time the application is considered. Previous unacceptable behaviour may not justify a decision to consider the applicant as unsuitable, if that behaviour can be shown to have improved.
- Where all three steps of the assessment have been satisfied the applicant will be treated as ineligible.
- Each decision will be taken based on the individual circumstances of the case. Where a decision to exclude a customer is taken the information will be collated by the officer and passed to a senior officer for authorisation.

2.3 Identifying Serious Unacceptable Behaviour:

- Housing records will be used to identify issues such as: rents; repairs, estate management.
- Reports to be obtained from previous or current landlords.

- Local knowledge of unacceptable behaviour or ASB; for example information gained through media reports. Any such information must be substantiated.
- Reference to information held by other statutory and/or voluntary agencies. This includes information gained from police reports and where in operation through the information sharing protocol with the Police.

2.4 Where there is a serious debt the Cumbria Choice Scheme will consider the individual circumstances of the case and whether an applicant has been or should be given the opportunity to repay. A decision to treat the applicant as ineligible will be taken where it is shown that all attempts to encourage the tenant to repay the debt have failed.

Housing debt from all tenures will be considered and includes: current or former rent arrears and/or recharges for repairs from property damage. Non housing debts will not be considered e.g. housing benefit overpayments, mortgage arrears. These debts are either not legally enforceable in tenancy law as a condition of the tenancy or under grounds for possession in the Housing Act 1985.

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

2.6 Where there is reason to believe that an applicant's unacceptable behaviour is due to physical, mental or learning disabilities, the relevant support agencies will be contacted and a decision to treat the person as ineligible will not be made if appropriate care and support can be provided which would enable them to manage a tenancy.

2.7 In situations where the applicant has been accepted as priority homeless with a duty to rehouse but is excluded from the register – these cases will be dealt with by negotiation between the parties outside of the Cumbria Choice procedures.

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

The onus is on the customer to make a fresh application. Customers can re-apply at any time.

- 2.9 In cases relating to serious offences or serious anti-social behaviour periods in prison will not automatically be considered as evidence that unacceptable behaviour has ceased.
- 2.10 Customers that are ineligible to join the Register will be informed of the decision in writing and will be given the full reason for the decision.
- 2.11 Customers will be notified of what they need to do to be able to re-apply and where appropriate will be given advice on agencies to contact to assist them with this.
- 2.12 Customers will be notified of their right to request a review of the decision.

4.0 Suspension due to Unacceptable Behaviour

4.1 Cumbria Choice does take account of poor behaviour. The Scheme will treat customers less favourably where there is evidence of unacceptable behaviour. This is behaviour that is not serious enough to justify a decision to treat the customer as ineligible.

4.2 Customers who are guilty of unacceptable behaviour will have their application registered but suspended until they are able to show a change in their behaviour which no longer justifies the decision to suspend. This means that they are unable to make any 'bids' for properties.

4.3 Where a customer has a debt each case will be considered individually and in certain circumstances the customer will not be suspended. Examples of where the customer will not be suspended:

- Applicants who have been accepted by a participating local authority as unintentionally homeless and in priority need.
- The applicant has been a victim of Domestic Violence
- The applicant has an urgent need for housing
- The debt arose due to the applicant's vulnerability.
- The applicant was unable to pay due to circumstances other than deliberate non payment.

4.4 In circumstances where a debt is owed to a housing organisation and the application is not to be suspended in accordance with section 4.3 the organisation to whom the debt is owed may suspend the application. This decision will only be taken in circumstances where the applicant will be able to apply to other housing organisations in the local authority area.

4.5 Applicants who have been suspended due to debt owed to a Landlord will be required to clear the arrears or:

- For arrears under £500 to keep to a repayment plan for 3 months before the suspension is removed.
- For arrears over £500 to keep to a repayment plan for 6 months before the suspension is removed

4.6 Applicants can request at any time to have the suspension removed where they are able to show an improvement in their behaviour.

4.7 Applicants who have the suspension removed will keep their original date of application. This means their length of time on the Register will be taken into account when 'bidding' for a property.

4.8 Applicants who are suspended will be included in the annual review of applications and will be asked to give any details of action taken that they think may affect the suspension.

4.9 All applicants that have been suspended from the Register will be informed of the decision in writing and will be given the full reason for the decision.

4.10 Applicants will be notified of what they need to do in order to have the suspension removed and will be advised of any appropriate agencies that may be able to assist them.

4.11 Customers will be informed of their right to request a review of the decision.

6.4 Appendix 4 - Calculating Overcrowding

The following people will be expected to have their own bedroom where this is not the case the household will be assessed as overcrowded:

- Couple living together
- A parent in a single parent household
- Person aged 16 years or over
- Child over 7 years who would otherwise have to share with a child of the opposite sex.
- Child of the same sex where there is a 10 year age difference
- A further bedroom will be required where 3 children need to share a room.

6.5 Appendix 5 - Household Type and Property Size

Household	Bedsit	1 bed	2 bed	3 bed	4 bed	5+bed
Single person	✓	✓	✓	E		
2 Adults (couple)	✓	✓	✓	E		
2 Adults (non couple)			✓	E		
Single 1 child			✓	E		
Single 2 child			✓	✓		
Single 3 Child				✓	✓	
Single 3+ child				✓	✓	✓
Couple 1 child			✓	E		
Couple 2 child			✓	✓		
Couple 3 child				✓	✓	
Couple 3+ child				✓	✓	✓
Single over 55	✓	✓	✓	E		
Couple over 55	✓	✓	✓	E		
2+ Adults (non couple)			✓	E		

- E = households will be considered for this size of property in low demand areas.
- Households with access to children will not be able to include them as part of the household when looking at eligibility for property size.
- In the South Lakeland District Council area applicants without children cannot be considered for houses.