

Draft Allocations Scheme

Item 5

**EXECUTIVE MEMBER:** Councillor Clements  
**LEAD OFFICER:** Fergus Mc Morrow  
**REPORT AUTHOR:** Laurie Priebe

**Summary and Recommendation:**

**This report describes the Council's duty to determine and publish a housing allocations scheme and presents a draft scheme for public consultation.**

**That the Executive be recommended to approve the draft attached as Appendix 1 as the basis for public consultation.**

**1 INTRODUCTION**

- 1.1 Under the Housing Act, 1996, as amended by the Homelessness Act, 2002, every local housing authority must have a housing allocations scheme. This applies to authorities that have transferred their stock to registered social landlords as well as to those who retained it. The scheme must by law include a statement of the authority's policy on offering service users a choice of housing or the opportunity to express their preferences about housing that might be offered to them.
- 1.2 The extent of choice that an authority can deliver is constrained by supply and demand across a range of vacant home types and sizes in all settlements within the authority's district. The balance fluctuates with variations in vacancy rates, changes in the composition of waiting lists and stock additions or deletions due to house building, acquisitions, conversions, demolitions and any sales. As long as the policy is clearly stated and does not commit unlimited choice or guarantee an allocation in a preferred area, the Council will be acting lawfully in this respect.
- 1.3 The Council is statutorily obliged to consult every registered social landlord with whom we have nomination arrangements before publishing the scheme.
- 1.4 For an authority like Copeland, which transferred its housing stock in 2004, an "allocation" effectively means the nomination of someone to be an assured tenant of housing held by a Registered Social Landlord (RSL), the technical name for housing associations.

- 1.5 Allocations are governed by Part 6 of the Housing Act, 1996, as amended. Published schemes must include a determination of priorities between applicants and for setting out clearly the procedures to be followed in allocations. There are two essential principles that must be embedded in a published scheme. It must demonstrate the method of assessing applicants' needs and must identify those in the greatest need.
- 1.6 To comply with the legislation there must be procedures to cover all aspects of the allocation process. This includes the people, or descriptions of people, by whom decisions are made and how they are made. Every aspect of how the scheme is administered must be transparently described, including how an authority allows discretion in allocating priority. Where discretion is applied, service users must be clear about how it will be applied so that there is no question of inconsistent application.

## **2 Eligibility**

- 2.1 The Housing Act, 1996, was amended by the Homelessness Act, 2002. Since 2002 all applications must be considered under the local authority's scheme unless they are a class of people subject to immigration control, which makes them ineligible in law.
- 2.2 The law also provides a local authority with the power to exclude applicants who, in the local authority's opinion, are guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant, as long as at the time of the application the circumstances are such that their behaviour would make them unsuitable to be a tenant of the Council at that time. The test of unsuitability is that their behaviour should have been so unacceptable that the Council would have been entitled to an outright possession order if they had been a Council tenant.
- 2.3 Blanket exclusions for life for a general class of people (for example, anyone with rent arrears) are therefore unlawful. The Council has powers, however, to "downgrade" the priority of applicants on the basis of their behaviour. In effect this means that, although the Council must still give them consideration, it can withhold priority from them until the Council is satisfied that their recent behaviour is no longer unacceptable.

## **3 Reasonable and Additional Preference**

- 3.1 As regards priorities, allocation schemes must be framed in such a way that, overall, "reasonable preference" is given to the following applicants:
- people who are homeless generally
  - people who are owed specific duties under the homelessness legislation

- people living in insanitary, overcrowded or otherwise unsatisfactory housing
- 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, where failure to meet that need would cause hardship to themselves or others.

Schemes may also give "additional preference" to people in the reasonable preference categories with more urgent assessed housing needs. This often includes people who fall within two or more of the above groups or have experienced domestic violence or severe harassment.

3.2 The Act also gives authorities a power to determine priorities between people who are already in the reasonable preference categories and it suggests certain factors that may be taken into account:

- financial circumstances
- behaviour which affects suitability to be a tenant (which may lead to a lower priority)
- a local connection which exists between an applicant and the Council's area).

Local authorities can add other factors they consider to be appropriate but these must pass the test of rationality if challenged in the courts.

#### **4 Draft Allocation Scheme**

4.1 Consultant Andy Gale was commissioned to work on the production of a draft housing allocations scheme, which is attached as Appendix 1. It does not take account of the Council's "in principle" decision to support a funding bid to DCLG for a Cumbria sub-regional choice based lettings system because that is still subject to development.

#### **5 FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)**

5.1 There are no financial and human resource implications arising from the consultation recommended in this report.

## 6. IMPACT ON CORPORATE PLAN

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

**List of Appendices – Appendix 1: Draft Copeland Council Allocation Scheme**

**List of Background Documents: Housing Act, 1996, Part 6, as amended by Homelessness Act, 2002**

**List of Consultees: All Registered Social landlords with stock in the Borough**

### 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 sustainable neighbourhoods
Impact on Rural Proofing	The scheme would include rural communities
Health and Safety Implications	None
Impact on Equality and Diversity Issues	Will be accessible to disadvantaged and minority groups
Children and Young Persons Implications	None specific
Human Rights Act Implications	Is consistent with civil & human rights legislation
Monitoring Officer comments	none
S. 151 Officer comments	none

Is this a Key Decision?      No

# Copeland Council Allocation Scheme

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# Copeland Draft Allocation Scheme

## Aims of the Allocations Policy

Copeland Borough Council aims to provide affordable housing for rent for people in housing need and to create sustainable, balanced communities.

We are committed to providing a fair and comprehensive service to all persons eligible for housing.

The Council aims to ensure that social housing that it has nomination rights to will be allocated to those households with the greatest underlying need for long term, settled accommodation.

The aims of the Allocations Policy are:

- To ensure that applicants in need are housed.
- To contribute to balanced communities.
- To create sustainable communities where people want to live and feel safe.
- To promote choice to applicants.
- To ensure that no group or individual is discriminated against as a result of this policy and to promote equal opportunities.

## Legal Requirements

The 1996 Housing Act (as amended) by the 2002 Homelessness Act requires local authorities to make all allocations and nominations in accordance with a published Allocation Scheme. A summary of the Allocation Scheme must be made available free of charge to any person who asks for a copy. This document is the full version of the scheme and a summary of the point's scheme and general principles is available at the Council's Housing Office.

The Housing Act 1996, as amended by the Homelessness Act 2002 (called "the Act" elsewhere in this document), requires local authorities to give "reasonable preference" in their allocations policies to people with a high level of housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

The Act also requires local authorities to offer applicants a choice of housing accommodation, or the opportunity to express preference about the housing accommodation to be allocated to them.

This policy complies with the requirements of the Act, and takes into account the Revised Code of Guidance on the Allocation of Accommodation issued in 2002. It also

takes into account the draft Code of Guidance on the Allocation of Accommodation: Choice Based Lettings, issued by the Communities and Local Government Department in 2007 for consultation.

## Introduction

This a refreshed version of the Allocations Policy, to ensure it meets the current needs of those in housing need in Copeland. Copeland Council has transferred its Housing Stock to Copeland Homes in 200x. This Allocation Scheme sets out how Copeland Council will nominate households to Registered Social Landlords (commonly known as Housing associations), where it has nomination rights to properties owned by those landlords. Nominations will be made using a Banding based system. Copeland Council no longer owns Council Housing having transferred its homes to Copeland Homes Housing Association in 200x. Although Copeland Homes are the biggest Housing Association operating in the District there are several other associations where the Council has rights to nominate people to any vacancies for a proportion of their property.

This Policy has been written to comply with the legal requirements of 'The Housing Act 1996'; the 'Homelessness Act 2002'; and the Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness.

The Scheme aims to achieve a balance between assisting those in greatest need and ensuring that there are opportunities for re-housing for those who require it. It is designed to reflect a range of need factors and enable applicants to clearly understand their prospects for re-housing given their particular needs, circumstances and preferences.

The Scheme is based on:

- The recognition of reasonable preference categories which are set by law i.e. who must be given reasonable preference or a 'head start' through a Council's Allocation Scheme.
- The principle that social housing properties should be let on the basis of an applicant's housing needs.
- The requirement that Local Authorities provide information to applicants as to their rights under its Allocation Scheme.

Reasonable preference for housing must be given to those in the categories in the 1996 Housing Act, amended by the 2002 Homelessness Act listed below. A full description of each of these categories and how they are applied is given on pages xx of this scheme: The statutory reasonable preference categories cover:

- All categories of homeless people (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with Copeland Council);
- People occupying insanitary, overcrowded or otherwise unsatisfactory housing;
- People who need to move on medical or welfare grounds (including grounds relating to a disability);

The Council has agreed nomination rights to all Registered Housing associations in its district. These will be reviewed on an annual basis. For Copeland Homes properties the Council has 50% 75%? nomination rights for 2008.

**Policy on Choice and expressing preferences regarding the area that an applicant wishes to live in.**

The Council will promote choice within its lettings policy in the following ways:

Applicants are able to specify an unlimited number of areas within the District where they would accept an offer of accommodation. Areas of choices may be changed at the request of the applicant.

The Council also requests that the applicant states those areas that they do not wish to be housed in. This is to assist the Council in making more informed decisions regarding nominations to Housing Associations.

Homelessness Applicants will be made one reasonable offer anywhere in the Borough unless there are special circumstances, in order to fully discharge the Council's legal obligations to those cases accepted as being owed the full homelessness duty. Each applicant will be able to express a preference for areas they wish to consider living in. The more restrictive the choice the harder it may be to satisfy the applicants' requirements, in other words the longer they may have to wait for a nomination. The Council will take into account applicant's preference for an area but cannot be bound by it unless the Council considers that the reason for expressing a particular preference is essential. Any decision on nominations must ultimately be made on the basis of need. Therefore if there is no property available in an applicant's area/s of choice and the Council's records indicate that there is unlikely to be a property available in an applicant's area of choice within a two month period then the Council will consider making a nomination, via its contractor Copeland Homes, to a suitable property outside of these areas.

## **Service Standards**

### **Our Customer Commitment.**

#### **We will:**

- ❖ Consider every application received.
- ❖ Make sure the Council meets its legal obligations in nominating people to accommodation owned by all housing associations.
- ❖ Provide free advice and information about the right to apply for accommodation.
- ❖ Provide free assistance to applicants who may have difficulty when making an application. We will help you complete our Application for Accommodation form if you wish.



The fact that a person is an applicant on the Housing Register will not be disclosed (without their consent) to any other member of the public.

## **DATA PROTECTION AND INFORMATION SHARING**

### **Data Protection**

All information held is subject to the Data Protection Act 1998. The Council and Copeland Homes will seek the express consent of applicants joining their housing register to share personal information about the applicant, and any member of the household.

### **Information sharing without consent**

Information can be shared relevant to organisations providing support services in supported housing.

Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances which will include:

- a) In accordance with the provisions of the Crime and Disorder Act 1998 (Section 115).
- b) Where there is a serious threat to the other party's staff or contractors.
- c) Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff.

### **False or withheld information**

Under Section 171 of the Act, it is a criminal offence for applicants knowingly to give false information or to withhold information relevant to their application. An offence may be committed if an applicant knowingly gives false information or knowingly withholds information which has reasonably been requested on the housing registration form, in response to correspondence at the renewal of the application, or relating to any other review of the application. An offence is also committed if the applicant allows a third party to provide false information on his or her behalf, or at his or her instigation.

If an applicant, or a person acting on his or her behalf, has given false information or withheld information it could:

- affect an applicant's eligibility to join the housing register;
- if appropriate, be taken into account in prioritising applicants who have reasonable preference; or
- if appropriate, result in the applicant not being given preference at all.

## **The Housing Register**

Copeland Council's Housing Register contains details of all those persons who are in need of housing. Allocations of and nominations for Housing Association accommodation will only be made to those persons who qualify and have applied to be placed on the Housing Register.

The Council transferred its housing stock to Copeland Homes Housing in 200x. The Council Borough Council has xx% nomination rights to Copeland Homes properties. The Council also has nomination agreements with all of the Housing Associations in the area.

To apply to be considered for Housing Association accommodation, applicants must complete a Housing Register form available from the Council's offices and those of Copeland Homes. The form must be returned to Copeland Homes who administer the Council's allocation scheme and lettings on behalf of the Council. The form will be used to assess an individual's housing need through the application of a Banding priority system.

## **Eligibility for the Housing Register**

### **Who can apply to be part of the Council's Allocations' Scheme?**

Any United Kingdom Resident 16 years or over can apply for accommodation by completing an Application for Accommodation form. However a Housing association will not normally grant a tenancy to anyone under the age of 18 years unless they are able to provide a guarantor to cover rent and a support worker. For young people under the age of 18 years the Housing Association may grant permission to allow the occupation of a property by way of an "Equitable Agreement".

### **Eligible Applicants**

#### **Those who are eligible to join the housing register**

Section 160A of the Act states that a local housing authority shall only allocate housing accommodation to a person who is eligible.

Normally people aged 16 and over are eligible persons and can apply to join the housing register and receive the allocation of a property.

Applicants who are eligible persons under 18 years of age may be required to have an adult or organisation acting as guarantor for rent until they reach the age of 18 as a condition of being allocated a property.

#### **Those who are not eligible to join the housing register**

provided with a full explanation for the exclusion and will be able to appeal against the decision.

If at any time, the Council obtains information that leads it to believe that an applicant already on the Housing Register is ineligible it will inform the applicant in writing. If an applicant is ineligible and therefore refused access to the Council's scheme, they will be advised in writing of the decision and the reasons for the decision. Under section 167(4) of the Housing Act 1996 an applicant has a right to request a review of any such decision in accordance with the regulations made by the Secretary of State on the Conduct of such reviews. Any request for a review must be made within 21 days of the person being informed in writing of the Council's decision. The Council will determine the review within 56 days of the request or such longer period as may be agreed with the applicant. The Council will notify the applicant of the outcome of the review including the reasons if the original decision is confirmed. The Council's decision on review is final and any challenge to that decision can only be made through judicial review proceedings.

Where an applicant is ineligible under the Council's scheme they will be entitled to re-apply if s/he considers that the local authority should no longer treat them as ineligible.

## **Making an Application**

### **Application Pack**

Every applicant who requests it will receive a pack containing:

- An application form
- Allocation policy summary, including the complaints procedure

### **Completing the application form**

Applicants are encouraged to complete the form themselves. However, staff will go through the form with the applicant to ensure that the required information is collected. Staff will give support in completing the form if required.

### **Assessing Applications**

In order to assess an applicant's place on the Housing Register the Council uses a needs based Banding system scheme, as detailed in Appendix A of this policy.

The Bands are awarded to reflect housing need, whereby the needs reflected in the highest Band indicates the greatest need for rehousing.

An application will be acknowledged within 10 working days. The applicant will receive a letter detailing the areas selected, Banding and type of property for which they have been considered.

Existing tenants of any Housing Association in the District who wish to transfer to another Housing Association property are able to register under this scheme, although if they are seeking a transfer to another property owned by their landlord, that landlord may have its own transfer scheme and its own transfer rules. Advice can be given on these circumstances by either the Council or Copeland Homes Housing Association concerned.

### **Allocations Not Covered by this Scheme**

The following are examples of nominations not covered by this policy:

- ❖ Conversion of a Starter Tenancy into a Secure Tenancy (that is a matter for the tenants Housing Association).
- ❖ Nominations to Housing Associations for property which is to be used as temporary accommodation to house homeless households owed a duty under the Homelessness legislation.
- ❖ Assignments of and Successions (these are matters for the tenant's Housing association).
- ❖ Mutual exchanges of Housing Association Tenancies (again for the relevant Housing association to decide and administer).
- ❖ Nominations for offers of assured tenancies, assured short hold tenancies, or other tenancies or licences, from private landlords.

### **Rural Properties provided as an exception to Planning Policies**

Some housing association properties in villages have been built as an exception to the usual planning policies, in order to meet the housing needs of people with a strong connection to the village. The planning approval is subject to conditions about the connection of current and future tenants to the village in question.

### **Joint Tenancies**

When two applicants complete an application for Accommodation the Council will explain to the applicant the relevance of Joint Tenancies. However, it is for the Housing Association for which the Council makes a nomination to decide whether to allow a Joint Tenancy.

### **Reasonable Preference**

The Council will use a Banding based system to measure housing need and allocate accommodation. In assessing re-housing need the Council will give reasonable preference to those applicants who fall into one or more of the following categories: (in line with the Homelessness Act 2002):

- Homeless people owed a full duty under part VII of the Housing Act 1996
- Homeless individuals (not owed a full duty under the above act).

- applicant is found following investigation to have made a false or deliberately misleading statement in connection with their application.
- applicant has been housed in a secure or assured tenancy by another Local Authority or a Housing Association in or outside of the Copeland area.

### **Homeless Applicants**

All homeless applications made to the Housing Options team will be investigated and decisions made in accordance with the Housing Act 1996 and the Homelessness Act 2002. Where a full duty to accommodate a household is accepted under the homeless legislation the household will be placed on the Housing Register and homeless priority as detailed in Appendix A will be awarded.

### **Deferred Applications**

Applicants who do not wish to be immediately considered for housing can request to be placed on a deferred list and will not be considered for housing until they request that their application is placed on the active Housing Register.

### **Offers**

Considerable care is taken to match an Applicant's requirements and preferences with accommodation that becomes available. However, where an applicant has refused 3 suitable offers of accommodation their priority for re-housing may depending on their circumstances be downgraded by one Band for a 12 month period. The exception to these rules are for Homeless applicants owed a full homelessness duty under section 193(2) or 195(2) of the Housing Act 1996. (See below).

In any low demand areas the Council in agreement with the Housing association may use its discretion to vary these guidelines. Please note that the above are guidelines only. It is ultimately for the relevant Housing association to determine what property type and size they are prepared to offer following a nomination from the Council.

As Copeland Council does not have any housing stock it receives nomination requests from Housing Associations across the district. Nominations will be made in line with the Council's allocations policy; however applicants need to be aware that each Housing Association operates their own separate allocations policy and eligibility criteria, which they will apply. It is therefore possible that the Housing Association may reject a nomination where the applicant fails to meet their policy or criteria.

### **Offers to Homeless Applicants**

It is in the Council's financial or strategic interest to award additional points, e.g. where child or public protection issues create a need for urgent re housing or where the award of additional points would enable effective management of the Council's temporary accommodation.

*N.B it is for Copeland Council to list the exceptions for management discretion. The above are for illustration only*

The Council's Overview and Scrutiny Panel will receive an Annual Statement as to how the Service has allocated all Housing due to it under nomination rights and the circumstances where it has exercised its management discretion under this Scheme.

### **Medical Points**

Applicants who have a medical need will be asked to complete a Medical Form, which will be passed to the Councils' Medical Adviser. The applicants and any members of the applicant's household can complete a Medical Form.

Applicants will only be offered additional priority if their medical condition significantly affects their need for accommodation

The criteria to be considered are to what extent the health of the applicant or an immediate member of the applicant's family will improve by a move to alternative accommodation.

Following assessment Band 1, Band 2 or no priority will be awarded. Any applicant who feels that they are entitled to medical priority must complete a medical form and return this along with any supporting information to Housing Options.

In circumstances where more than one member of the household suffers from a medical condition, ~~the STAFF~~ will take the needs of the entire household into account when making a decision.

Following assessment the Copeland Homes on behalf of the Council will decide whether to award priority on the basis of the information provided in the medical form and where appropriate, any additional information requested from the GP. The following priority can be awarded:

#### **▪ Urgent Medical Need – Band 1**

Where the applicant suffers extreme ill health which is life threatening, which will deteriorate rapidly if they remain in their present home. Applicants awarded an urgent medical need will be rehoused, in date order, as quickly as possible, subject to suitable accommodation being available in the areas of preference or need of the individual applicant.

- a. An assessment will be made to determine if the property is suitable and reasonable for the applicant and the applicant's household.
- b. If it is, the applicant's preference re any area/s of choice will be considered. If it is property location is outside of the applicant's expressed area/s of choice a nomination may still be made unless there are exceptional reasons why the Council agrees that an applicant should only be considered for an area/s; or from the council's own records of lettings activity it is reasonable to assume that a vacancy of the correct size is likely to become available within two months within that area/s.
- c. If the property is reasonable and suitable as described at (a) above and neither scenario listed at (b) applies the Council may proceed with the nomination.
- d. If the property is not suitable for the applicant with the highest priority, it will be matched against applicants in descending priority order until a suitable allocation is found. The process will then be repeated for the second property on the list of vacancies available for allocation.
- e. An offer of a property will be made by telephone initially where possible and confirmed in writing. The offer will normally last for 3 days but this may be extended at the discretion of the relevant Housing Association.
- f. Where a property is refused the Council will be informed immediately and will make a decision on the suitability of the offer within the three days that the property is still available.
- g. If the property is deemed to be suitable by the Council it will count as one of the nominations an applicant is entitled to receive. If the applicant has been accepted as being owed a statutory homeless duty by the Council, this duty, subject to a right of review, will have ceased if the property is refused. In such circumstances an applicant will no longer be entitled to any temporary accommodation and may have to leave any accommodation provided and make their own arrangements.

**When a nomination may be made outside of this method.**

Vacant properties which are adapted or which are suitable for adaptation or which are otherwise potentially suitable for applicants with a substantial disability or other special reasons may be allocated outside of this method and outside of any strict Band date order. This will include cases where a ground floor flat is available and an applicant with very high priority requires such accommodation. Rather than nominate an applicant with general needs to the property the Council reserves the right to nominate a high priority applicant in need of such accommodation.

An allocation may also be made outside priority date order in a case of a Housing Association tenant who is willing to transfer from a property which s/he does not require and which is particularly suitable for an applicant with special needs.

applicants with higher priority have been housed. This is unlikely to happen as higher priority applicants will be continually be joining the lists. This restriction does not prevent applicants from necessarily being considered for any 'Shared Ownership' or 'Homebuy' schemes. The rules for acceptance under these schemes are different and are applied on a scheme by scheme basis. Many such schemes are administered directly by Housing associations.

- Applicants not currently living permanently in the UK will be suspended from consideration.

- Applicants who do not have any local connection with Copeland Council defined as within the meaning of section 199 Housing Act 1996. Such applications will have their priority reduced by one band until they acquire a local connection with the Council. The definition of acquiring a local connection is determined by section 199 Housing Act 1996 and the Council can give any applicant advice on this criteria.

Applicants who do not have a local connection with Copeland but have been determined as being owed the full Homelessness duty under section 193(2) by the Council will not be subject to any reduction in their ~~points~~ *Priority*

People may apply for social housing in any area in the country where they might wish to live. This means that the Housing Register is not restricted to people who live or work within Copeland. In order to ensure that it is meeting the needs of the local community, the Council gives reduced priority to people without a local connection.

The Act lists criteria to be taken into account when determining whether an applicant has a local connection. Each applicant is nonetheless required to be assessed individually as to whether or not they have a local connection with the area, and will be asked to provide documentary evidence for this purpose.

The factors which will be taken into account in determining whether or not an applicant has a local connection Copeland Council includes, but are not limited to, whether they or a member of their household included in their application:

- has lived in Copeland by choice for a certain time (usually for six months out of the last 12 months or for three years out of the last five years);
- has close family living in Copeland, who have lived in the District for at least the previous five years;
- has settled employment (paid or unpaid) in that District; or
- has special circumstances that give rise to a local connection.

For the purposes of determining local connection, living in the Copeland means \* living in permanent accommodation and will not include either:



All Reviews will be dealt with by an officer of Copeland Homes acting on behalf of the Council within 56 days of the request. All decisions following Reviews will be notified to the applicant in writing giving the reasons for the decision.

### **Changes of Circumstances**

Applicants should notify the Council in writing of any change in their circumstances, for example:

- A change of address, for themselves or any other person on their application.
- Any additions to the family or any other person they would wish to join the application (N.B. it is for the council to decide whether they will allow a person/s to join the application).
- Any member of the family or any other person on the application who has left the accommodation.
- Any change in income or savings.

### **Members of the Council, Copeland Homes, Staff members and their relations.**

In order to ensure that the Council is treating all applicants fairly, any application for housing or re housing from members of the Council, employees of the Council or Copeland Homes or associated persons must be disclosed.

These applications will be assessed in the normal way but registrations and any nomination to accommodation will require special approval by a senior manager of the Housing Service or the Council.

Cumulative need	Applicants that fall into 3 or more reasonable preference criteria outlined in Band 2 below
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<b>Band 2 Need to move – Reasonable Preference</b>	<b>Except for successors all of the following are owed statutory reasonable preference.</b>
Successors	Successors Where a resident succeeds a tenancy but would be under-occupying their current home by more than 2 bedrooms. (outside of reasonable preference but RP not required as specific to RSL lettings),
Lacking Basic Facilities	Living in accommodation with: <ul style="list-style-type: none"> <li>• No heating</li> <li>• Outside toilet</li> <li>• No cold water supply</li> <li>• No kitchen</li> <li>• No bathroom</li> </ul>
Supported Housing	Applicants living in supported housing who are threatened with homelessness, in priority need and not intentionally homeless. This must be in accordance with a move-on protocol agreed between the landlord or the Supporting People service and the District Council  reasonable preference category (d)
Leaving care	Applicants who are due to leave the care of the Children and Families service and who are threatened with homelessness, in priority need and not intentionally homeless. This must be in accordance with the Cumbria Leaving Care Protocol.  reasonable preference category (d)
Statutory overcrowding	Applicants living in statutorily overcrowded accommodation.  reasonable preference category (f)
Severe overcrowding	Applicants who lack two or more bedrooms in comparison with the bedroom standard in Appendix 2.  reasonable preference category (f)

<b>Band 3 Community Employment and other</b>	
Applicants who are entitled to reasonable preference as being non priority homeless, intentionally homeless or homeless within the meaning of part 7 of the Act but do not qualify for Band 1 or Band 2.	Applicants who are entitled to reasonable preference as being non priority homeless, intentionally homeless or homeless within the meaning of part 7 of the Act but do not qualify for Band 1 or Band 2. (RP-a)
Access to family or friends	Where a person wishes to move to: <ul style="list-style-type: none"> <li>• Give or receive support or care</li> <li>• To be closer to family as living out of the area</li> </ul>
Employment Opportunity	To enable an unemployed person take up an offer of employment or to be closer to current employment
Personal reasons	Persons who are active members of the community
Private rented/living with relatives	Applicant with dependant children <ul style="list-style-type: none"> <li>• Living in insecure accommodation</li> <li>• Not having a bedroom</li> <li>• Lacking or sharing amenities</li> <li>• Poor state of repair</li> </ul>

<b>Band 4</b>
1. Applicants who do not qualify for Bands 1,2,,3 but would like to move to alternative accommodation.
5. Applicants with arrears of rent, poor behaviour, savings or no local connection in accordance with Copeland's downgrading policy.

Accommodation that is designated as supported housing will be available only for applicants who are eligible for that particular accommodation. For example, some supported housing is provided exclusively for people with learning difficulties, or for young people leaving care.

Where accommodation is available only for applicants who satisfy such special criteria, this will be made clear in the advertisement of the vacancy.

### **Size and type of property for which applicants are eligible**

In order to make the best use of the available housing stock, it is essential to let vacancies to those who need that size and type of property. Examples include houses with two or more bedrooms to be let to families with young children, sheltered housing flats for older people and properties that have been built or adapted for a person with a physical or sensory disability.

When deciding the size and type of property for which applicants are eligible, the Bedroom Standard in Appendix 2 will normally be used.

In exceptional circumstances the Senior Housing Officer may exercise discretion in deviating from the Bedroom Standard. Examples are:

- a) For those applicants who are separated or divorced and sometimes care for their children, the Senior Housing Officer will consider how often and for how long the children stay with them. If appropriate, the Senior Housing Officer may exercise discretion and award additional bedrooms for the children in accordance with national guidance.
- b) Where applicants require larger accommodation on health grounds. The Senior Housing Officer will consider this on a case by case basis, taking into account the advice of a qualified medical advisor appointed by the District Council or housing association with which the applicant has registered.
- c) Where there is little or no demand for a particular vacancy, and it is therefore difficult to let.
- d) Where no suitable applicants can be identified to make the best use of larger accommodation.
- e) Where the applicant has been approved as a foster carer by Cumbria County Council, and so will need a larger property than normally required by the household.
- f) Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household. See paragraph below for more information about including a carer in a housing application.

This may result in restrictions being placed on the choice of property that is open to an applicant. Where this is the case, the applicant will be advised of the restrictions, but will whenever possible be given the opportunity to exercise some choice.

## APPENDIX 2

### Reasonable Preference

This Policy assesses the relative priority of applicants by placing them in the Priority Bands in Appendix 1.

*The Allocation of Accommodation: Choice Based Lettings code of guidance for Local Housing Authorities* (consultation published by Communities and Local Government in January 2007) says:

In the Secretary of State's view, a banding scheme will normally need to distinguish between at least four broad levels of priority in order to comply with the requirements of s.167, as follows:

People with no entitlement to reasonable preference.

People entitled to reasonable preference on a single, non-urgent basis.

People entitled to reasonable preference on a cumulative basis.

People entitled to additional preference (being persons with urgent housing needs).

The reasonable preference categories in section 167(2) of the Housing Act 1996 are:

- I. People who are homeless (within the meaning of Part 7 of the Act);
- II. People who are homeless and in priority need but homeless intentionally;
- III. People who are homeless and in priority need and not intentionally homeless;
- IV. People threatened with homelessness and in priority need and not intentionally homeless;
- V. People who are not intentionally homeless but not in priority need;
- VI. People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- VII. People who need to move on medical or welfare grounds (including grounds relating to disability).

**Explanation of the terms used in this policy**

Applicant	The term "applicant" includes single people and couples. Applicants may be the tenants of private or social landlords, or may own their home.
Household	The term "household" includes all individuals included in the applicant's application. A household may therefore be an individual, a couple, a family or two or more individuals who wish, or need, to live together in the long term. Short term sharing arrangements or temporary part time arrangements will not normally be classified as a household.
Reasonable preference category	Description of those applicants to whom the District Councils must give "a head start" in their housing application. See Appendix 3.
the Act	The Housing Act 1996 as amended.

Each band offers a comprehensive list of prescribed criteria, which the applicant must meet. The first two bands make up 75% of nominations, direct applicants, and internal transfers, and the third band 25%. This will not affect local authority nomination rights.