

## Housing Allocations Scheme

### Item 10

**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, following agreement of the Strategic Housing Panel on 22 April 2009.**

**That the Executive be recommended to approve the draft scheme attached as Appendices 1, 2 and 3.**

## 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 eligible 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 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 A first draft scheme was presented to the Strategic Housing Panel at their meeting on 8 October 2008. The Panel approved it as the basis for consultation. The Council is statutorily obliged to consult every registered social landlord with whom we have nomination arrangements before publishing the scheme. This was done between November 2008 and end January 2009.
- 1.4 On 22 April 2009 the Strategic Housing Panel agreed that, taking on board members comments the draft scheme be submitted to the Executive for

approval. Members stressed the importance of the document being available and accessible in all areas throughout the borough and that the effect of the scheme is monitored on a regular basis. Monitoring reports will be submitted to the Panel every six months.

- 1.5 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.
- 1.6 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.
- 1.7 Whilst the requirement to keep a Housing Register was abolished by the Homelessness Act, 2002, in practice the Council and its customers need access to a list of applicants in order to give meaning to its allocations scheme. The most appropriate list is that maintained by the Home Housing Group, which has the largest stockholding of any Registered Social Landlord in the Borough. Its register and lettings policy would comply with the legislation if it were the policy of a local housing authority.

## **2 Eligibility**

- 2.1 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 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.

- 3.3 To preserve independence in decision-making where a nominee is either,
- a) an employee of the Council or a member of his/her family or,
  - b) an elected member of the Council or a member of his/her family,
- the nomination shall be submitted for prior approval to a senior manager who has had no prior involvement with the case. In most instances this will be the Head of Development Strategy or, in her absence, the Strategic Housing Services Manager.

#### **4 Draft Allocation Scheme & Choice Based Lettings Scheme**

4.1 The draft attached as Appendix 1 does not take account of the Council's "in principle" decision to support the proposed Cumbria sub-regional choice based lettings system because that is still subject to development. Progress reports will be brought to future meetings of the Strategic Housing Panel before members are asked to make a recommendation to the Executive on whether or not to join the sub-regional scheme. In the meantime, the Council needs to publish an approved stand-alone scheme in order to comply with law.

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

5.1 There are no financial and human resource implications arising from the recommendation 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**

**Appendix 2: Home Group Banding System**

**Appendix 3: Home Group; Assessing Applications**

**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 & Disorder	Paragraphs 2.2, 2.3, 3.2.
Impact on Sustainability	The scheme will promote social inclusion and will therefore encourage sustainable communities
Impact on Rural Proofing	The scheme recognises the importance of local connections on “rural exceptions” sites
Health & Safety Implications	The scheme gives reasonable and additional preference to applicants whose health & safety is prejudiced.
Impact on Equality & Diversity Issues	Will be made accessible to disadvantaged & minority groups
Children & Young Persons Implications	Will address the needs of families with dependent children and young people
Human Rights Implications	Is consistent human rights legislation
Monitoring Officer comments	Has been previously consulted on the draft Scheme
S 151 Officer comments	No further comment to add. Section 3.3. ensures transparency in decision making with regard to nominees who have a direct link to the Council

Is this a Key Decision? – Yes.

# **Copeland Draft Allocation Scheme**

## **Aims of the Allocations Scheme**

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 to which it has nomination rights will be allocated to those households with the greatest underlying need for long term, settled accommodation. The aims of the Allocations Scheme 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 scheme is available at the Council's Housing Offices.

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 scheme 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

Copeland Borough Council transferred its housing stock to Copeland Homes in 2004. This allocation scheme sets out how the Council will nominate households to Registered Social Landlords (commonly known as Housing Associations), where it has nomination rights to properties owned by those landlords.

The scheme aims to achieve a balance between assisting those in greatest need and ensuring that there are opportunities for re-housing for others 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 an allocation Scheme.
- The principle that social housing properties should be let on the basis of an applicant's housing needs.
- The requirement that the Council provides 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. The statutory reasonable preference categories cover:

- All categories of homeless people (whether or not the applicant is owed a statutory homeless duty)
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing;
- People who need to move on medical or welfare grounds (including grounds relating to a disability);
- People who need to move to a particular locality within the district to avoid hardship to themselves or others.

In addition the Council will give additional priority to reflect the needs of those applicants with exceptional, urgent or cumulative needs. The Act also allows the Council to take certain factors into account in determining priorities between applicants in the reasonable preference categories. The Act gives examples; financial circumstances; behaviour; local connections.

It is important to note that even if an applicant falls under one of the statutory reasonable preference categories listed above they may still be awarded a lesser priority or no priority compared to others in that category as a result of their actions. Reduced or no priority will be awarded where there are current or former rent arrears and the Council is not satisfied by the actions being taken to resolve the matter; cases of unacceptable or anti social behaviour; applicants with access to a substantial level of financial resources; and applicants without a local connection with the area of the Council.

Some rural affordable housing schemes, developed on land as an exception to planning policy, may be restricted to applicants with a local connection in the parish or parishes within which the scheme is built. Such “exception” sites usually recognise:

Current residence in the parish or parishes  
Current employment in the parish or parishes  
Strong family associations in the parish or parishes.

The intention in such schemes is to enable the development of stable, sustainable rural communities in the Borough.

### **Who will administer the Council’s Allocation Scheme?**

Although the transfer of its Housing stock has taken place, the Council retains a number of statutory obligations. One of these is the requirement for the Council to formulate, adopt and amend an allocation scheme. However, using powers in the deregulating and Contracting out Act 1994 (section 70) and the Local Authorities Contracting out of Allocations and Homelessness functions Order (SI 1996/3205) Copeland may contract out the registration administration and allocation of housing to which it has nomination rights.

### **Administering the Housing Register**

The Registered Social Landlords (RSLs) within Copeland will maintain their housing registers of applications. These are Home Group (including Copeland Homes), Impact Housing Association and Two Castles Housing Association.

In practical terms, as Home Group own the majority of social housing within the borough this means that they will primarily have this function. The Council endorses the Home Group’s Housing Register, the Banding Scheme for which is attached as Appendix 2 (the references to Home’s stock in Scotland do not apply). Appendix 3 is a statement of how the Home Group assesses applications.

Applications for Housing will be made to the RSLs directly. The initial assessment of the applicant’s housing needs will be carried out by staff from the RSLs.

The allocation of properties will be undertaken by the RSLs including ensuring that all Copeland Borough Council nomination referrals for homeless applicants where a full duty to rehouse has been accepted will be given the highest priority for housing. This will be carried out strictly in accordance with this allocation scheme. The Council cannot contract out the formulation of an allocation scheme and the RSL’s in the borough have adopted policies of their own. However this policy will mirror the allocation policies of the local RSLs.

The Council has agreed nomination rights with all the Housing Associations in its district. These will be reviewed on an annual basis. Currently all nominations made to RSLs where we have accepted a full duty to rehouse are given the highest priority status on their waiting lists and rehoused accordingly. This is monitored through performance management reports on a quarterly basis.



To preserve independence in decision-making, where a nominee is either,  
a) an employee of the Council or a member of his/her family or,  
b) an elected member of the Council or a member of his/her family,  
the nomination shall be submitted for prior approval to a senior manager who has had no previous involvement with the case. In most instances this will be the Head of Development Strategy or, in that officer's absence, the Strategic Housing Services Manager.

### **Choice and expressing preferences on the areas that an applicant wishes to live in.**

The Council will promote choice within its allocations scheme in the following ways:

It will ensure that its RSL partners give applicants the opportunity 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 can state 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 the 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, to the particular RSL in question for a suitable property outside of these areas.

## **Service Standards**

### **Our Customer Commitment.**

#### **We will:**

- ❖ 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 applications for accommodation if you wish.

- ❖ Make sure any information we provide is easy to understand and is readily accessible.
- ❖ Provide information on what types of accommodation are available throughout the district.
- ❖ Provide information about how long you are likely to have to wait for accommodation for which you have expressed a preference.
- ❖ Provide a full copy or a summary of this scheme to all households who request it and will always provide a summary of the scheme to all who are accepted as being owed a full duty as statutory homeless.
- ❖ Treat everyone equally in accordance with their need, regardless of race, religion or creed, ethnic or national origin, disability, gender, sexual orientation or marital status.
- ❖ Regularly monitor ethnic origin, gender and disability of applicants who apply for accommodation.
- ❖ Be completely confidential about applicant's circumstances unless we must share information with another agency to prevent or reduce crime and increase community safety or unless customers consent to sharing information with another agency who may be able to help them.

### **Advice and Assistance**

Applicants that have any difficulty reading or understanding this scheme will be offered the following services:

- ❖ An interpretation service if your first language is not English.
- ❖ Signing if your speech or hearing is impaired.
- ❖ Provide documents in large print if you are visually impaired.
- ❖ An interview with a Housing Options Adviser to explain the content of this document.
- ❖ An appointment with an independent housing advisor at Shelter or the Citizens Advice Bureau if you wish.
- ❖ Advice on what Housing associations are.
- ❖ Advice and help on renting in the private sector if there are few homes available in the areas where you may wish to live.

### **Equality and Diversity**

Our aim is to implement and maintain services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age or sexual orientation, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law. Allocations will only be made to those persons who are eligible and have been placed on a Housing Register.

### **Confidentiality**

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 that is 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, other households or a member of staff.

### **Right of Review available to applicants for housing with registered social landlords**

## **REVIEW OF DECISIONS AND COMPLAINTS**

### **Asking for a decision to be reviewed**

Applicants have rights under the Act to ask for the review of a decision. The following decisions are subject to the right to request a review:

- a) The applicant's housing application has been refused on the grounds they are not eligible.
- b) The applicant is removed from the housing register on the grounds they are no longer eligible.

- c) The applicant has been given reduced priority or no priority on the grounds of serious unacceptable behaviour
- d) Any decision about the facts of a particular application which have been taken into account to assess whether an allocation should be made.
- e) The applicant has refused a direct allocation of accommodation.

Applicants should request a review within 21 days of being notified of a decision.

Registered Social Landlords (RSLs) have procedures for applicants who request a review of a decision on their application. Reviews will be carried out by a senior member of the RSLs staff who was not involved in the original decision.

### **Complaints against the service provided by Copeland Borough Council**

An applicant who is not satisfied with the service that they receive may register a complaint with the Council's Complaint procedure by telephone, e-mail or in person at the Council's main office. All complaints will be acknowledged and investigated.

The applicant may also make a complaint to the Local Government Ombudsman if he/she believes that mal-administration has taken place.

### **Housing Registers operated by RSLs –**

The RSLs Housing Registers contain 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 their housing registers. The Council has full nomination rights to RSL properties for all of the cases referred where a duty to rehouse is owed.

To apply to be considered for Housing Association accommodation, applicants must complete a housing application form available from the Council's offices and those of the local RSLs. The form must be returned to the relevant Housing Association. The form will be used to assess an individual's housing need.

### **Eligibility for the Housing Register**

#### **Who is included under 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 a 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 a 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 a housing register**

The following are not eligible persons to join a housing register:

- Those subject to immigration control and not re-included by Regulations; People who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996.
- People who are not deemed to be habitually resident in the CTA (Common Travel Area). (This may include British citizens who live overseas.)
- Any other person as prescribed by the Secretary of State for Communities & Local Government
- Where the applicant or a member of the household is considered to be guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant and at the time of application for housing they are still considered unsuitable to be a tenant by reason of that behaviour.

Unacceptable behaviour is defined as behaviour which would, if a person was a secure tenant or member of their household, entitle a landlord to possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985. Unacceptable behaviour includes:

- (i) Owing serious rent arrears and failing to comply with a current or past tenancy agreement with a Council, housing association or private landlord.
- (ii) Conviction for illegal or immoral purpose.
- (iii) Causing nuisance and annoyance to neighbours or visitors.
- (iv) Committing certain criminal offences in or near the home and still posing a threat to neighbours or the community
- (v) Being violent towards a partner or members of the family.
- (vi) Allowing the condition of the property to deteriorate.
- (vii) Allowing any furniture provided by the landlord to deteriorate due to ill treatment.

- (viii) Obtaining a tenancy by deception, for example, by giving untrue information.
- (ix) Paying money to illegally obtain a tenancy.
- (x) Having lost accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.

An applicant's eligibility to join a housing register will be kept under review during the application process. If, for example, new information about an applicant's behaviour comes to light after an initial assessment, they may be removed from the housing register.

Each application will be assessed on its own merits and a decision regarding eligibility will be made accordingly. Anyone subsequently excluded from the register will be provided with a full explanation for the exclusion and will be able to appeal against the decision.

### **Making an Application**

You should apply directly to each Housing Association who you may want to be housed by. They will have their own information on how they allocate their homes and you should contact them for more details.

### **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 nominated to the relevant Housing Associations and homeless priority will be awarded.

### **Offers to Homeless Applicants**

Homeless Applicants who are owed a housing duty by the Council under s.193 (2) or s.195 (2) of the Housing act 1996 will be made one suitable offer that the Council determines is both suitable and reasonable for their households needs. If the offer is refused the Council will discharge its homeless duty and if in temporary accommodation the applicant will be given notice to quit their temporary accommodation. All applicants will be advised that they have the right to request a review of this decision.

Whether or not a Homeless Applicant accepts an offer of permanent accommodation, they have the right to request a review of the suitability of the accommodation they have been offered. Homeless Applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a review of its suitability.

### **MONITORING AND EVALUATION**

The scheme and guidelines are reviewed annually and improved in light of experience gained from their operation and emerging best practice.

We monitor:

- Average re-let times & void rent loss
- Ethnicity of applicants and allocations
- New customers with disabilities compared to Census data
- Customer refusals
- Reasons for rejection and exclusion
- Customer satisfaction levels
- Numbers of nominations, direct applicants, and transfers

Reports on the above monitoring areas are submitted to Senior Managers in the Council and all the RSL's within the Copeland area, Councillors, Board members, and Customers.

## Home Banding System – revised 05 June 2008

<b>Band 1 - Urgent Need to Move</b>  For applicants in extreme or life threatening situation as a result of their housing or directly linked to their housing situation.  Subject to time limit and review.	Criteria	Description
	Urgent medical or accessibility needs	This banding is granted only in exceptional circumstances, when the applicant or a member of the applicant's household has a life threatening condition, which is seriously affected by their current housing, or their home cannot be accessed due to ill health or disability
	Management discretion to override policy	Agreed in circumstances where exceptional need is presented that is not accommodated by the policy.
	Severe ASB, nuisance, domestic violence or harassment	Agreed in exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling and there is high risk to the tenant or their family's safety if they remain in the dwelling/area. Moves will be to properties of the same size and type where required, but locations or areas are likely to change
	Decants	Where a property is required due to redevelopment or major repairs, or where current lease has expired (Home properties only)
	Release Adapted Property	Where a tenant does not require a specially adapted property for disabled use, and there is a demand for its use
	Homeless household	Landlord wants property back Or Not reasonable for applicant to remain in current accommodation. Includes households sharing accommodation with family and friends
	Statutory Duty to re-house	Closing order issues i.e. properties unfit for human habitation as advised by Environmental Health where there is no alternative measure to render the property fit. Or Similar duty where emergency re-housing is essential e.g. CPO to enable site clearance for a road widening scheme Or Below tolerable standard (Home in Scotland only) – does not meet 3 or more tolerable standard criteria (see definition below)
	Section 5 referral	Referral under Section 5 of the Housing (Scotland) Act 2001. Applies to Home Scotland only. Maximum 25% lets to section 5 referrals subject to nomination agreement.
	Multiple needs	Household has multiple housing needs, 2 or more elements from band 2.
	Under Occupation	Applicant willing to give up 2 + bedroom property for smaller accommodation (subject to market conditions)



## Home Banding System – revised 05 June 2008

	Threatened with homelessness	Persons likely to become homeless within the next 2 months and include: <ul style="list-style-type: none"> <li>• Private tenants with a shorthold tenancy who have been issued with a notice to quit</li> <li>• Members of the armed forces with impending discharge</li> <li>• Persons in tied accommodation where their employment is ending</li> <li>• Persons being discharged from long term care</li> <li>• Prisoners being released</li> <li>• Mortgage repossession</li> </ul>
	Older persons	<i>Applicant has been assessed as having support needs suitable for sheltered or older persons (category 1 or 2) accommodation.</i>
<b>Band 2- Need to Move</b>  For applicants in a high need but not emergency or life threatening	<b>Criteria</b>	<b>Description</b>
	Court Order	Court Order to re-house
	Successors	Where a resident succeeds a tenancy but would be under-occupying their current home by more than 2 bedrooms
	Move-On accommodation	Where someone is leaving supported housing and needs to find independent accommodation And/or to free up supported housing space in demand
	Insecure accommodation	Applicant living in insecure accommodation: <ul style="list-style-type: none"> <li>• Private tenant with short assured/assured shorthold tenancy</li> <li>• Living in tied accommodation</li> <li>• Living in a caravan</li> </ul>
	Medical or accessibility needs	Medical condition that is aggravated, or worsened by current housing, but is not life threatening - And/or Where an essential part of the home cannot be used due to ill health or disability
	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> Or Below tolerable standard (Home in Scotland only) – does not meet 1 or 2 tolerable standard criteria (see definition below)

## Home Banding System – revised 05 June 2008

	Overcrowded	<p>A separate bedroom is considered necessary for:</p> <ul style="list-style-type: none"> <li>• Each child aged 12 years or over</li> <li>• More than 2 children sharing a room</li> <li>• Couples living together</li> <li>• Each child aged over 10 years where there is an age difference of over 6 years</li> </ul> <p>Bedrooms converted to other uses are not included; bedrooms not in use are included unless they are uninhabitable.</p>
	ASB/Harassment/neighbour nuisance	Where situation is severe but problems pose no risk of physical harm and all other remedial avenues exhausted.
<b>Band 3 - Community and Employment</b> For applications where people need to be near family/friends, or seeking employment	<b>Criteria</b>	<b>Description</b>
	Key Worker	<p>Where a key worker is seeking housing in the area. This would include but is not restricted to as local needs can differ:</p> <ul style="list-style-type: none"> <li>• Nurses and NHS staff</li> <li>• Police</li> <li>• Prison service and probation staff</li> <li>• Social workers</li> <li>• Educational Psychologists</li> <li>• Planners</li> <li>• Occupational Therapists</li> <li>• Speech, and language therapists</li> <li>• Fire officers</li> </ul>
	Access to family or friends	<p>Where a person wishes to move to:</p> <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	<p>To enable an unemployed person take up an offer of employment</p> <p>Or</p> <p>To be closer to current employment</p>

**Tolerable standard criteria (for Home Scotland):**

- is structurally stable;
- is substantially free from rising or penetrating damp;
- has satisfactory provision for natural and artificial lighting: ventilation and heating;
- has an adequate piped supply of wholesome water available within the house;
- has a sink provided with a satisfactory supply of both hot and cold water within the house;

**Home Banding System – revised 05 June 2008**

- has a wash-hand basin and fixed bath or shower provided with a satisfactory supply of both hot and cold water within the house;
- has a toilet available for the exclusive use of the occupants of the house and suitably located within the house;
- has an effective system for the drainage and disposal of foul and surface water;
- has satisfactory facilities for the cooking of food within the house;
- has satisfactory access to all external doors and outbuilding

## ASSESSING THE APPLICATION

## Appendix 3

Our aim is to provide a fair and transparent lettings process that meets the needs of new and existing customers whilst contributing to building and maintaining sustainable communities.

This means that we give reasonable preference to households in housing need but may also consider the needs of the wider community. The decision to allocate a specific property will include an overall assessment of the potential sustainability of the tenancy and its contribution to maintaining a stable and balanced community.

Applications and transfers are assessed in terms of housing need. In order to do this, applicants are put into one of three bands:

- Urgent Need to Move
- Need to Move
- Community and Employment

Each band offers a comprehensive list of prescribed criteria, which the applicant must meet.

Assessment of housing need includes the following factors:

- Homelessness
- Living in temporary accommodation
- Medical need to move
- Harassment, domestic violence or other anti-social behaviour
- Condition of property including sharing facilities
- Overcrowding
- Under-occupation

The Community and Employment band offers those looking to re-locate for work reasons or to give or receive care, an opportunity to be re-housed. This band is also used to promote sustainable and mixed communities.

Where Local Lettings Plans are in place and agreed with all associated partners, these will override the lettings policy for that particular area or estate concerned. [See Local Lettings Plan Fact Sheet for further information.](#)

Sheltered Accommodation applicants are also assessed on their support needs. This is to ensure that all the needs of the customer can be met, and they are able to sustain their tenancy. Assessments are in line with Supporting People guidelines. [See Sheltered Accommodation fact sheet for further information.](#)

Shared Ownership applicants are assessed against need, as well as a financial assessment being carried out. The assessment looks at proof of earnings and overall affordability of mortgage and rent payments. [See Shared Ownership Fact Sheet for further information.](#)

Nominations, direct applicants, transfer applicants, mutual exchange applicants, and shared ownership applicants may also be subject to references (where applicable) from previous landlords, police or other agencies, and/or employers.

Assessment of each application will be authorised by the Line Manager or equivalent to ensure a fair assessment has been made.