



It's all happening IN HALTON

Health and Community
Directorate

A decorative graphic consisting of a thick, bright green curved line that starts on the left side of the page, arches upwards, and then descends towards the right side, set against a white background.

HOUSING ALLOCATIONS POLICY

Revised October 2005

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1. **INTRODUCTION**

The Council no longer provides its own rented accommodation, having transferred ownership of its housing to Halton Housing Trust in December 2005. However, it does still maintain a Housing Register, which Halton Housing Trust (HHT) operates on the Council's behalf, and can secure accommodation for people on the Housing Register through "nomination" agreements that it has with HHT and other local Housing Associations.

1.1 Through its Housing Allocations Policy the Council aims to provide access to good quality social housing for those in greatest housing need. Applicants will be awarded points to reflect varying degrees of housing need and, generally, applicants with the highest number of points will be given priority for rehousing. This document explains who we will accept onto the Housing Register, how we will house them, and the points scheme.

1.2 Our aims are:

To meet the housing needs of the individual:

- By giving reasonable preference to those assessed to be in housing need
- By maximising the choices available to applicants
- By providing information to applicants to enable them to make informed choices
- By balancing the needs of the individual with the needs of the wider community.
- By working closely with other relevant service providers, e.g. Social Services, Health Services, the Police and other social landlords, in assessing an individual's need for rehousing and making the best match within available resources.

To create balanced and sustainable communities through:

- Enabling people to live in safe, secure and good quality homes
- Working in partnership with the Police and other agencies to reduce crime and anti-social behaviour in Halton

To assist the Council to achieve these aims, applicants are required to complete an application form which enables the Council to assess their housing needs and to ensure those with the greatest priority are assisted the earliest. Applicants will be required to provide references to substantiate information provided in their applications.

2. **ACCESS TO THE HOUSING REGISTER**

2.1 The Housing Register is open to all applicants, except those who do not qualify as defined by legislation (Housing Act 1996 as amended by the Homelessness Act 2002.)

People who do not qualify to go on the Housing Register are as follows:

- i) persons subject to Immigration Control, unless they fall within a class of persons prescribed in regulations made by the Secretary of State;
- ii) persons who are not habitually resident in the UK;
- iii) persons with a history of unacceptable behaviour where current evidence suggests they are deemed unsuitable to be a tenant. Further details of this are provided in Appendix A.

2.2 The Council, when adhering to 2.1 (iii), may make a decision to exclude the following from the Housing Register. In order to make a decision we may consider any tenancies held over the past five years.

- Significant rent arrears (12 months arrears would normally be considered as significant), however, each case will be considered on its merits and the reason(s) for the accrual of arrears may be a significant factor.
- Serious anti-social behaviour that has affected or could affect the community at large.
- The Applicant or a member of their household or a visitor to their property has been convicted of an offence contrary to the "Misuse of Drugs Act 1971" or any amendment to or re-enactment of this Act.
- The Applicant or a member of their household or a visitor to their property has been convicted of a criminal offence that has involved the use of a tenancy for illegal or immoral purposes.
- If the applicant or a member of their household or a visitor to their property neglects or has seriously damaged a property.

Applicants will be informed in writing of the reasons for exclusion and will be advised that they have the right to request a review of the decision made. Requests for a review of the decision made will be considered in the first instance by a senior officer of HHT i.e. someone senior to the officer taking the original decision. The outcome of the review will be confirmed in writing to the applicant. Where the review

upholds the decision to exclude, the applicant will be advised that they have the right to request a further review by a panel of Councillors.

2.3 **Collusion**

Applicants who deliberately engineer their circumstances to improve their position on the Housing Register will have their application suspended for a period of six months.

2.4 **False Information**

If any applicant is found to have knowingly given false information, or withheld information reasonably required by the Council, either at the time of application or subsequently, the Council will have discretion to suspend that applicant from the Housing Register. The Council may take legal action if a tenant had gained accommodation by such action.

2.5 **Homeless Applicants Right to Review**

Homeless applicants have the right to request a review of any decision on their homelessness application in relation to:

- Eligibility for assistance
- What duty is owed to them by the Council
- Referral to another authority because they appear to have a local connection
- Suitability of an offer.

Requests for such a review will be considered by a senior officer of HHT i.e. someone senior to the officer involved in the original homelessness decision. The outcome of the review will be confirmed in writing to the homeless applicant, and they will be advised of:

- their statutory right of appeal to the County Court within 21 days of receipt of the review decision, and;
- their right to request a further internal review by a panel of Councillors.

The applicant will be advised that from the date they receive notification of the decision the County Court limitations apply.

3 GENERAL INFORMATION

- 3.1 The Council aims to provide applicants with as much information and advice as possible to enable them to complete application forms and consider their housing options. In turn, we expect a high degree of co-operation when it comes to providing information and details of housing circumstances.

Every person who applies to us for housing will have their application form processed within 15 working days in order to:

- determine their eligibility for acceptance onto the register
- assess their housing needs
- check the information contained on the application form is correct
- complete a medical assessment if appropriate
- ensure that, in the case of Council tenants, the property has been maintained to an acceptable standard
- give information to assist them to assess when an offer is likely to be made
- fully explore other housing options.

Anyone on the Housing Register may see a copy of their entry on request.

The Council will, from time to time, contact applicants for further information, to attend for interview or appointments for home visits, in writing or by telephone. Applicants are expected to respond to such requests within 48 hours. Applicants failing to respond within this timescale are written to, giving a further 7 working days in which to make contact. If no response is received, the application cannot proceed any further and will be cancelled. There may be exceptional circumstances which prevented the applicant making contact, and in these cases a decision may be made to reinstate their application.

3.2 Statement of Choice

When making application to join the Housing Register, applicants are free to ask to be considered for any area of the Borough where the Council has nomination rights against Housing Association property.

However, it is important to realise that the demand for accommodation is greater in some areas than others and waiting times will therefore vary. Applicants will be nominated on the basis of assessed needs with the person with the highest assessed need (in Halton need is reflected by points) being nominated to any available property first.

In making decisions about the choices available, applicants therefore need to consider their priority for rehousing on the Housing Register (depending on their points) against the availability of property in any given area. In order to make best use of the stock available, applicants will normally only be offered accommodation in keeping with

the criteria set out in 4.6 of this policy. However, if an applicant has an exceptional need to be considered for other types of property or for larger accommodation each case will be considered on its merits. Notwithstanding this, if demand for any property is exhausted, applicants from any household type will be considered for it.

4. TENANT SELECTION

4.1 When a Housing Association invites a nomination for a vacant property, only applicants on the Housing Register will be considered. Selection of nominees will be based on the number of points, choice of area and property type needed. The exceptions to this will be:

i) **Adapted Properties**

Nomination to adapted or purpose built disabled persons accommodation will be on the basis of greatest need and suitability of the accommodation for an individuals needs. Nominations will be made in consultation with relevant Social Care staff. Position on the Housing Register will only be material if there are two or more applicants with equal need of the facilities.

ii) **Renovation Grant Works**

Private occupiers needing temporary rehousing to enable Council funded renovation grant works to proceed will be assisted, subject to the availability of suitable accommodation. Whilst every effort will be made to take account of expressed preferences, any assistance provided may be constrained by property availability within the timescale and demand from other applicants on the Housing Register.

iii) **Compulsory Purchase**

Outright priority will be given to those applicants needing to be rehoused due to the Council exercising Compulsory Purchase Powers, or acting by negotiation in the knowledge that compulsory purchase powers would be available.

4.2 Where there are two or more applicants with equal points, length of time on the Housing Register will determine relative priority. Where there are two or more applicants with equal points, and equal length of time on the Housing Register, the comparative priority of each case will be considered. Medical and social points can be used as a determining factor to ensure that the applicant in the most housing need is accommodated.

4.3 In cases where an applicant has been allowed to join the Housing Register but has current or former arrears, they will normally only be eligible for an offer at the time the debt has been reduced to £200.

4.4 **Eligibility**

The following households would be eligible for the property types described:

Single person no dependants	Flat/maisonette
Couple without dependants	2 bed house / flat/maisonette
Single person/couple with dependants	House or maisonette/flat
Single person or couple and aged 60 or over	Ground floor flat or Bungalow, sheltered housing

4.5 Offers

All applicants will be entitled to 3 reasonable offers of accommodation. A “reasonable offer” is defined as an offer of accommodation which meets both of the following criteria:

- a. adequate size and type of accommodation to meet the needs of the applicant
- b. accommodation in the area(s) of the applicant’s choice.

Where an application for housing is in joint names, it is normal practice for any tenancy offered to be made as a joint tenancy.

If an applicant refuses two offers of accommodation, a visit will be undertaken in order to assess

- a. the accuracy/quality of information recorded on the application form regarding properties and areas chosen;
- b. the reasons for refusal of previous offers;
- c. the need to update the applicant’s details.

The visit will enable the collection of further details from the applicant, thus allowing a better match on allocation.

If 3 reasonable offers are refused by an applicant, their application will be suspended for 6 months. This is considered necessary to avoid the situation where a person constantly refuses reasonable offers, thus causing a “bottle neck” and delaying relet times. During the period of suspension they will not be eligible for time in waiting points.

Furthermore, where an applicant has been awarded medical points and refuses offers of accommodation suitable to meet their medical condition, then after 2 years the medical points will be moved.

Where a homeless applicant is accepted as unintentionally homeless and in priority need, and is placed in temporary accommodation as part of their support plan, they will be advised of the realistic prospects of accommodation becoming available within their area of choice. At this stage they will be eligible for three offers of suitable accommodation in

their area of choice. If, after 12 weeks, they are still placed in temporary accommodation, their application will be reviewed, they will be advised to widen their choice of area, and they will be informed that they will be made one offer of suitable accommodation as far as possible in their area of choice. If this cannot be accommodated, the applicant will be made one offer of suitable accommodation within the Borough. This will be deemed to discharge the Council's duty to the individual under the Homelessness Legislation.

4.6 Annual Review

To ensure that the Housing Register contains the fullest and most up-to-date information, applications will be reviewed annually.

Applicants will be sent a letter asking for confirmation that their housing situation is the same as at the time of acceptance on the Housing Register. Failure to respond within 4 weeks will result in the assumption that accommodation is no longer required, and the application will be cancelled.

4.7 Change of Circumstances

Where an applicants housing situation has changed it will be re-pointed and re-assessed accordingly.

We also ask applicants to let us know directly if their housing situation changes, or if they no longer need housing.

Applicants who disagree with the outcome of any periodic review are able to appeal against the decision. Details of this are available on request.

4.8 Customer Care

The Council wishes to provide a quality service to applicants. To this end, we are committed to providing all applicants for housing with full information about our policy and procedure. A copy of the Allocations Policy can be made available to any applicant requesting it, as can details of both the appeals and complaints procedures.

5. THE POINTS SYSTEM

5.1 The Council's allocations policy must by law ensure that reasonable preference is given to certain categories of applicant as defined in section 167 of the Housing Act 1996, as amended by the Homelessness Act 2002. Appendix B details the specific categories.

5.2 The aims of the points system are:

- i) to provide a way of measuring housing need to give the Council an objective way of giving priority to applicants in the greatest need and with the most limited alternative sources of housing;
- ii) to ensure that our allocation policy and practice are accountable to applicants, partners in housing provision and the general public.

The section below shows the level of points awarded to applicants accepted onto the housing waiting list.

Points System for the Housing Register	
Housing Circumstances	Points
<u>Statutory Homeless</u> – households owed a duty under the 1996 Housing Act as amended by the Homeless Act 2002.	700
<u>Shared/Lacking Amenities</u> – these points are awarded where the applicant has to share with someone who is not part of their intended household <ul style="list-style-type: none">• No hot water• Share/lack bath/shower• Share/lack kitchen• Share/lack w.c. <p>N.B. Points eligibility restricted to maximum of 150 points.</p>	100 25 25 25
<u>Disrepair</u> – property unfit as determined by Principal Housing Inspector.	200

Housing Circumstances	Points
<p><u>Overcrowding</u> – points awarded where applicants are overcrowded for each bedroom they are short</p> <ul style="list-style-type: none"> • One bedroom short <p>Each subsequent bedroom shortfall increases by an additional 100 points i.e. 2 beds 175 3 beds 275</p> <p>N.B. An additional 200 points will be awarded to all tenants/owner occupiers who have been registered as overcrowded for 2 years or more and have not yet been rehoused.</p>	75
<p><u>Under-occupation</u> – all applicants wishing to transfer to a smaller property receive points for each bedroom surplus to their need at the rate of 25 points, the first surplus bedroom is not counted i.e.</p> <p>1 bed surplus 0 2 bed surplus 25</p>	25
<p>Lodgers</p> <ul style="list-style-type: none"> • Lodging with family • Lodging with friends/non family 	200 300
<p><u>Hostel</u> – applicant residing in hostel accommodation.</p> <p>Additional points awarded for sharing amenities</p> <ul style="list-style-type: none"> • Share bath/shower • Share w.c. • Share kitchen 	300 100 100 100
<p><u>Care Leaver</u> – young person who is leaving care.</p> <ul style="list-style-type: none"> • Could attract homeless points at the time of leaving care. 	350

Housing Circumstances	Points
<p><u>Medical</u> – points are awarded on the recommendation of the Council's medical advisor. Medical points can be accumulated for each individual within the household to be rehoused.</p> <p>Points are awarded depending on level of medical need.</p>	<p>Ranging from 50-500</p>
<p><u>Social Need</u> - points will be awarded by a Social Panel after consideration of supporting information. The level of points awarded will be dependent on circumstances. Cases that may be eligible for social need points are: social isolation, foster carers, carers, victim of severe anti-social behaviour, evidence of financial hardship and where accommodation issues are hindering a child returning home from care or the discharge of a Care Order.</p>	<p>Range from 100-300</p>
<p><u>Children in Flats/Maisonettes</u> –</p> <ul style="list-style-type: none"> • Families with children in ground floor flat • Families with children above ground floor in flat/maisonette. 	<p>300 500</p>
<p><u>Families forced to live apart</u> – points will be awarded to applicants who normally live together, but are unable to do so for no other reason than there is no accommodation in which they can live together.</p>	<p>175</p>
<p><u>Relationship breakdown</u> – evidence from both parties to support the relationship has broken down.</p> <p>Applicants may also be eligible for other housing need points dependent on their circumstances.</p>	<p>100</p>
<p><u>Residency</u> – awarded to applicants who have lived in the Borough for any period of five years.</p>	<p>25</p>
<p><u>Time on list</u> – awarded on the first and subsequent anniversary.</p>	<p>5 per year on list.</p>

5.3 For illustration purposes, the table below sets out a range of example household types and the points that they might attract in typical circumstances.

<i>Points Category</i>	Household Type			
	<i>Single Parent/one bedroom short living with family</i>	<i>Separated Couple/one bedroom short/lodging with friends</i>	<i>Single Person living in Hostel</i>	<i>Elderly owner-occupier/under occupying property/lacking no facilities</i>
Sharing bath	25	25	100	
Sharing kitchen	25	25	100	
Sharing toilet	25	25	100	
Overcrowded				
1 bedroom short	75	75		
Under occupation				25
Lodging with family	200			
Lodging with friends		300		
Living in Hostel			300	
Residency	25	25	25	25
Waiting time	5			
Total	380	650	625	50

6. EQUAL OPPORTUNITIES

6.1 Introduction

The Council is committed to the principles of equal opportunities in the provision of its services. It has a legal responsibility to ensure that there is no unlawful discrimination and will strive to eliminate discrimination through its policies and procedures.

6.2 Objectives

In promoting equal opportunities with regard to access to housing, the Council aims to:

- ensure that everyone applying for housing will be treated equally regardless of their race, culture, religion, gender, physical disability, mental disability, marital status or sexual orientation.
- provide information and advice in a variety of formats to allow all individuals equality of access to and assistance regarding the lettings and homeless service.
- monitor the effectiveness of the Allocations Policy.

6.3 Action

The Council is committed to a programme of action to make the Allocations Policy fully effective. It will:

- Ensure that anyone applying for housing is dealt with fairly and without discrimination.
- Keep a record of everyone who applies for housing and monitor this information to ensure that housing is provided on an equal basis.
- Arrange for a Housing Officer to contact the applicant personally, should they require assistance in completing a housing application form or should they require information or advice about access to housing.
- Provide relevant information and advice about the Allocation Policy, in a format that meets any special requirements you might have e.g. use of an interpreter and sign language.
- Respond promptly to any complaints received about unlawful discrimination and unfair treatment.
- Ensure that the personal conduct of all employees reflects the objectives of this Equal Opportunities Policy.

UNACCEPTABLE BEHAVIOUR

The only behaviour which may be considered unacceptable is that for which the Council would be entitled to an immediate Possession Order on one of the grounds in Part 1, Schedule 2, of the Housing Act 1985, as listed below.

Main Grounds in Part 1, Schedule 2:

- Rent due not paid (Ground 1).
- Obligation of the tenancy broken or not performed (Ground 1).
- Tenant or person residing with or visiting them is guilty of conduct causing nuisance or annoyance to another in the locality (Ground 2).
- Tenant, co-resident or visitor convicted of arrestable offence in the locality or using the house for illegal or immoral purposes (Ground 2).
- Property condition (Ground 3).
- Inducing the grant of a tenancy by a false statement (Ground 5).

REASONABLE PREFERENCE

In framing their allocation scheme so as to determine priorities in the allocation of housing, housing authorities must ensure that reasonable preference is given to the following categories of people, as set out in s167 (2) of the 1996 Housing Act. These include:

- (a) people who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who are not in priority need;
- (b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3);
- (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) people who need to move on medical or welfare grounds; and
- (e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

It is important that the priority for housing accommodation goes to those with greater housing need. In framing their allocation scheme to give effect to s.167(2), housing authorities must have regard to the following considerations:

- (a) the scheme must include mechanisms for:
 - i) ensuring that the authority assess an applicants housing need,
 - and for
 - ii) identifying applicants in the greatest housing need.
- (b) the scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.167(2), over those who do not;
- (c) the reasonable preference categories must not be treated in isolation from one another. Since the categories can be cumulative, schemes must provide a clear mechanism for

identifying applicants who qualify under more than one category, and for taking this into account in assessing their housing need.

- (d) there is no requirement to give equal weight to each of the reasonable preference categories. However, housing authorities will need to be able to demonstrate that, overall, reasonable preference for allocations has been given to applicants in all the reasonable preference categories. Accordingly it is recommended that housing authorities put in place appropriate mechanisms to monitor the outcome of allocations; and
- (e) a scheme may provide for other factors than those set out in s.167(2) to be taken into account in determining which applicants are to be given preference under a scheme, provided they do not dominate the scheme at the expense of those in s.167(2). (See para. 5.25 below.)

Otherwise, it is for housing authorities to decide how they give effect to the provisions of s.167 (2) of the 1996 Act in their allocation scheme.

From: Allocation of Accommodation (Code of Guidance for Local Housing Authorities). ODPM, November 2002.