



# North Yorkshire Housing Allocation Policy

To provide increased choice in housing to residents in North Yorkshire and help to create sustainable, mixed communities where people choose to live



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# Glossary of Terms

## Adapted properties

Adapted properties are homes, which have been designed or significantly adapted to meet the needs of people with physical or sensory disabilities, for example major changes to bathing facilities and/or access into or within the property.

## Advocate

A responsible person who has been given approval to 'act' on behalf of an applicant such as a support worker or a family member.

## Applicant

A person who applies to register on the choice based lettings scheme, including tenants of a local authority or a housing association.

## Assisted bidding

Where an appropriate person, with the consent of the applicant, submits bids on their behalf.

## Automated bidding

Where the computer system automatically submits a bid for an applicant.

## Bands

The system for setting out the different priorities of housing need.

## Bidding

The way in which registered applicants express an interest in an advertised vacancy. In this context bidding has nothing to do with money.

## CBL - Choice Based Lettings

A system for letting affordable housing, supported by the government and the Tenant Services Authority, which allows housing applicants more choice by advertising vacancies and inviting applicants to express interest in being the tenant.

## CBL Partnership Board

A board made up of a representative from each of the original partner organisations listed on page 8, a representative from an independent housing association with properties across the partnership area and any new partner invited to join the board.

## Common allocation policy

A shared set of rules on how properties will be advertised and let providing consistency between all partner landlords.

## Common Housing Register

The single shared list of applicants eligible to use the Choice Based Lettings scheme. In order to bid for a property, the applicant must be on the Common Housing Register.

## Direct offer

Where a property is offered to an applicant, under exceptional circumstances, which will not require an applicant to bid.

## Emergency prohibition order

These are statutory notices under the Housing Act 2004, where a property represents an immediate hazard to the occupants.

## Essential Need (support)

Where a person is required (needs) to live close to a family member to provide / receive fundamental support regularly without which the person requiring support would need residential care or an enhanced package of support from social care which they could otherwise not receive.

## Good Neighbour Scheme

Incentive Scheme for tenants of partner agencies (landlords) who meet the criteria specified in ( Appendix 5)

## Housing related debt

Monies owed to a social landlord, such as a local authority, housing association, arms length management company or , temporary housing accommodation provided under homeless duties, hostels or supported housing projects, in respect of current or former tenancies. It can also include other debts such as re-chargeable repairs, court costs and support charges, prevention fund monies (eg bonds, rent in advance), Debts written off as part of bankruptcy will be disregarded. DEBT means TRUE debt and does not include arrears where the housing provider is in receipt of regular HB payment or direct debit / standing order which clear the rent account. Housing related debt does not include Council Tax debts.

## Local connection

Connection to a particular area because of residency, employment, family or a main source of support.

## Locality

Local Authority area in which the applicant currently lives

## Local lettings initiative (LLI)

A time limited policy, which is introduced to take account of local circumstances. Examples of this may be where a new housing development becomes available or where there is severe anti-social behaviour concentrated in a particular area. This means that these properties will be let outside of the policy. Each scheme will establish the criteria that will be used. This criteria will vary dependant upon the circumstances that has led to the LLI. Each new LLI must be signed off by the CBL Partnership Board and published by the relevant partner landlord.

## Low cost home ownership

Options enabling home seekers that are unable to afford to buy a property on the open market to get on the property ladder. Schemes include part rent and part buy or buying a percentage of the equity at a discounted price.

## LSVT - Large Scale Voluntary Transfer

Former council housing which has been transferred to a housing association or housing com

## MAPPA (Multi Agency Public Protection Arrangements)

This is a multi agency approach to re-housing offenders based on risk assessment. The MAPPA process identifies the level of risk the offender poses to the public. Access to the Common Housing Register for applicants subject to MAPPA can only happen when a senior officer has given authorisation based on a risk assessment.

## Mutual exchange

Where two or more tenants swap their homes. Each tenant agrees to move into the others home on an 'as seen' basis.

## Nomination agreement

An agreement which sets out the way in which local authorities and housing associations work in partnership to help those in housing need'. They usually state a percentage of properties that the housing association will make available to applicants nominated by the local authority.

## Partner landlord

A landlord that has signed up to the North Yorkshire common allocation policy and will let their vacancies in the North Yorkshire sub region through the choice based lettings scheme.

## Participating landlord

A landlord who allocates some of their properties through this policy (formal nominations via a local authority) but have their own allocations policy for their own lettings.

## Priority band date

The date when the application changed bands, which maybe a later date than the date on which the application was originally made - this date may be used as a tie-breaker to decide who receives an offer of accommodation.

## Reasonable preference category

The phrase used in the Housing Act 1996 to describe those types of housing need that should be given priority in a local authority's allocations policy.

## Registration date

The date a complete application, with all required supporting information, is received by one of the partner landlords - this date may be used as a tie- breaker to decide who receives an offer of accommodation.

## Resettlement programme

A structured programme for rough sleepers and young people to develop independent living skills.

## Sub-regional partnership

A group of local authority areas working together; in this case the North Yorkshire area.

## Supported housing

Specific accommodation schemes for particular groups of people, for example people with learning disabilities or mental health issues, whereby support is provided. Some schemes are short term (up to 2 years) with the aim of people moving on to live more independently.

## Support package

Some applicants must have a support package in place, if they are to be eligible for the Common Housing Register. A support package enables a vulnerable tenant to live independently. The receiving landlord must be satisfied that the support package is sufficient to meet the applicant's needs and includes with it a strategy for non- engagement by the applicant.

## Tie-breaker

The method used to decide between two or more applicants who have the same level of housing need.

# Introduction and background

## 1.1 The North Yorkshire sub-regional Choice Based Lettings Partnership

This document sets out the new housing allocation policy for the North Yorkshire Choice Based Lettings (CBL) Partnership, known as North Yorkshire Home Choice. This policy will replace the existing allocation policies of the local authorities listed below. This represents a completely new approach to selecting new tenants for council and housing association properties. It also offers applicants other options for meeting their housing needs.

CBL is based on the public advertising of available properties, with applicants being able to express an interest (bid) for properties for which they qualify.

The policy, which will be shared by the partners, will transform the way housing is let, allowing applicants an active role in choosing their potential new home. The partners (hereafter 'the partnership') are :

- City of York Council
- Craven District Council
- Hambleton District Council
- Richmondshire District Council
- Ryedale District Council
- Scarborough Borough Council
- Selby District Council
- Broadacres Housing Association (Large Scale Voluntary Transfer Landlord for Hambleton)
- Yorkshire Coast Homes (Large Scale Voluntary Transfer Landlord for Scarborough)
- Yorkshire Housing Group (Large Scale Voluntary Transfer Landlord for Ryedale and Craven).

The contact details for all of these organisations are listed in Appendix 1.

Other housing association operating in the partnership's area, will be encouraged to advertise their vacant properties through the new lettings scheme in line with their current agreements. Should any Housing association advertise all of their true vacancies in accordance with the scheme, they will be viewed as a partner landlord for the purposes of operating this policy.

The partnership will work with these housing associations to improve and develop the policy so as to maximise the number of properties that are advertised to applicants in the future.

## 1.2 Our vision for the service

*'To provide increased choice in housing to residents in North Yorkshire and help to create sustainable, mixed communities where people choose to live.'*

The partnership aims to ensure that new applicants, and existing tenants applying to transfer to a new home, are provided with a first class housing service, which gives them an active role in choosing a home which best suits their long-term housing needs and aspirations.

We will achieve this by working together to provide a comprehensive housing advice service, covering a whole range of housing options across North Yorkshire. Local authorities and housing providers will work in partnership to widen the housing choice that they are able to offer and to support all applicants, including those who are vulnerable, to choose where they want to live.

The partnership is committed to tackling homelessness across North Yorkshire. We believe this policy will have a positive impact in the creation of thriving, mixed, safe and sustainable communities across North Yorkshire, through a consistent, coordinated and joined-up approach to delivering a high quality lettings service.

### 1.3 Aims and objectives

This policy is a Choice Based Lettings policy.

The shared aims and objectives of this policy are:

- to meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) and Homelessness Act (2002) ensuring that those with the greatest housing needs have those needs met more quickly
- to empower applicants to make their own choices about where they want to live
- to encourage and support, balanced and sustainable communities
- to make the process simple, transparent, fair and easy to use
- to provide information about the availability of homes to enable applicants to make realistic choices about their housing options
- to prevent homelessness and reduce placement in temporary accommodation
- to ensure accessibility for all those in housing need, particularly the more vulnerable
- to make effective use of the affordable housing stock, extending choice and mobility across local authority boundaries.

Section 2 sets out who is eligible to join the Common Housing Register.

### 1.4 Statement on choice

The policy has been drawn up to offer a choice of housing options to the widest number of housing applicants, including those with specialist needs.

Applicants will be given the opportunity to express their choice of accommodation and in time this choice will be maximised to cover a wide range of housing options.

The policy meets the statutory requirements for the allocation of social housing by ensuring that reasonable preference is given to those with the most urgent housing needs.

The partnership will advertise the vast majority of their vacant stock through the choice based letting scheme and advice and assistance will be given to applicants to allow them to make informed choices about the type of accommodation which best meets their housing needs and aspirations.

Applicants will also be able to access information on bidding patterns and supply and demand; this will enable applicants to make informed decisions about which accommodation they want to be offered. The information on the website will also include links to other useful websites.

### 1.5 Meeting our obligations

This policy has been developed with regard to the codes of guidance issued to local housing authorities in England, in exercising the functions under 167(1A) and 167(2E) of the Housing Act 1996.

The partnership will ensure that the policy is compatible with obligations imposed by other existing legislation, in addition to Part 6 of the Housing Act 1996 as detailed below; this list is not exhaustive.

- The Race Relations (Amendment ) Act 2000
- The Disability Discrimination Act 1995 (as amended 2006)
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- Children Act 1989
- Data Protection Act 1998
- Crime & Disorder Act 1998
- Homelessness Act 2002
- The Equality Act 2006.

This policy also takes into consideration the following guidance:

- Audit Commission - KLOE 7: Allocations and Lettings
- Equality and Human Rights Commission (Code of Practice on Racial Equality in Housing - September 2006)
- The Code of Guidance (Allocation of Accommodation - November 2002)
- The Code of Guidance (Allocation of Accommodation: Choice Based Lettings - August 2008)
- The Code of Guidance (Fair and Flexible - Dec 2009).

In addition, the partnership will ensure that the policy is compatible with local, sub-regional and regional housing strategies, together with the North Yorkshire homelessness strategy.

## 1.6 Information sharing, confidentiality and data protection

The partnership will publish an information sharing agreement to support this policy and will ensure that such a policy complies with all legal requirements.

All information received relating to an applicant's housing application will be treated as confidential in accordance with the Data Protection Act 1998. Information will only be shared in accordance with each partner's Data Protection registration and the consent given by applicants as part of the application process. Information will not be given to third parties unless consent has been given by the applicant; however consent will not be required where there is a public safety interest or to prevent fraud.

## 1.7 Equality and fairness

The partnership will ensure its policies and practices are non-discriminatory and will aim to promote equal opportunity by preventing and eliminating discrimination on the grounds of gender, colour, race, religion, nationality, ethnic origin, disability, age, HIV status, sexual orientation or marital status. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. The partnership will take measures to ensure that people with disabilities have equal access to housing opportunities with the population as a whole.

A sub group of the Partnership Board, the Equalities Monitoring Group (EMG) has been and will continue, to review the impact CBL will have on the above client groups and others. This group includes voluntary sector and NHS representation. The EMG will oversee and develop the equality impact assessment for the scheme and will strive to ensure that all relevant equality legislation is considered by the scheme and the partnership Board.

The partnership Board and the EMG will consider how the needs of people in isolated rural locations can be best addressed.

Choice based lettings as an approach, strives to maximise information and support to applicants.

# Joining the Common Housing Register

## 2.1 The North Yorkshire Common Housing Register

The Common Housing Register (referred to as 'the Register' throughout this document) is a key part of the CBL scheme. The Register is a single list of all the applicants who have applied for and been accepted on to the CBL scheme. People who apply to join the Register will have the benefit of applying to all the partner landlords. In order to bid, an applicant must be on the register.

## 2.2 Who can apply?

Anyone aged 16<sup>1</sup> or over, may apply to join the register, subject to the following restrictions:

- applicants aged 16 and 17 years are only eligible to join the register if they meet the following conditions
  - they are Looked after children under section 20 Children's Act 1989 or a Care Leavers with relevant support package and Trustee and are ready for independent living as agreed with Social Services
  - OR
  - they must have an appropriate support package in the area they wish to live to enable them to sustain their residency
  - and they must have an identified trustee who can hold any tenancy on their behalf until the age of 18. Trustees can be a person or an organisation, and will not have a financial liability.
- applicants subject to some aspects of immigration control , who do not have recourse to public funds or who can not prove they have recourse to public funds , may not join the register<sup>2</sup>.

Applicants subject to MAPPA arrangements can only access the register with the consent of a senior officer<sup>3</sup> of the relevant local authority (see also 4.13).

## 2.3 Applications not accepted due to unacceptable behaviour

Section 160A(8) of the Housing Act 1996 provides that persons can be excluded from the register where the behaviour by the applicant or by a member of his/her household is such that if the applicant had been a secure tenant of the housing authority at the time it would have entitled the housing authority to an outright possession order under s. 84 of the Housing Act 1985 in relation to any of the grounds in Part 1 of Schedule 2, other than Ground 8. Applicants will be excluded where these grounds apply.

The full policy for dealing with applicants who have a history of unacceptable behaviour is attached as Appendix 2.

## 2.4 Joint applications

Joint applications will be accepted, provided all applicants are eligible, aged 16 or over and intend to occupy the property together as their only or main home. The joint application will be assessed and placed in a priority band using the details of the household with the greatest housing need. Any person aged 16 or 17 needs a trustee and support package

<sup>1</sup> Applications from 16 & 17 years olds who are not known to the relevant social services authority, will result in a referral to said authority.

<sup>2</sup> In accordance with relevant legislation, Allocation of Accommodation Code of Guidance and case law See point 1.5)

<sup>3</sup> The relevant senior officer to be determined by the individual LA and set out within their scheme of delegation.

## 2.5 Multiple applications

Multiple applications are not allowed. If an application is already registered, the applicant must decide which application they want to keep. The other application will be cancelled. This will also apply to people who are registered as a joint applicant on more than one application.

## 2.6 Existing tenants and their households

Existing council housing or housing association tenants (excluding those in temporary accommodation), can apply to move and will have their priority assessed in the same way as other applicants. Tenants will, however, not normally be allowed to move if:

- they owe rent to their landlord or any other housing debts
- they are currently in breach of other tenancy conditions and their landlord has started formal action in respect of these breaches
- their property has been adapted to their needs; unless someone in the household no longer requires the adaptation or the property they are moving to also includes all the adaptations that they require
- they are introductory / starter or demoted tenants.

The partners want to give an incentive to existing longer standing tenants of the partner landlords that would enable them to move home if they want to. This is the 'Good Neighbour' scheme which is explained in Appendix 5.

Some lettings of secure tenancies are exempt from the requirements of part 6 of the Housing Act 1996 and this allocations policy will not apply to:

- succession on the death of a tenant
- assignment by way of exchange (a mutual exchange)
- assignment to a person who would be qualified to succeed if the tenant had died immediately before the assignment
- transfers of tenancy under the provisions of matrimonial and related domestic legislation.

The partner housing associations who issue assured tenancies may also have additional policies outside the provisions of this allocation policy, which allow people residing in the property to take over the tenancy.

Applicants from temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current arrears.

## 2.7 Applications from employees / members and their close relatives

Applications can be accepted from employees, elected local authority members, housing association board members and their close relatives, provided they are eligible to apply. Applicants must disclose any such status or relationship at the time of applying.

## 2.8 How to apply

Applicants can apply to join the Register by completing a form. This can be done on-line by accessing the website or by completing an application form available from any of the partner organisations. Advice and support in completing the form can be provided, on request, particularly for those who would have difficulty in completing the form because of a disability or a low level of literacy.

The purpose of the application form is to correctly identify the priority band and establish whether the applicant has any needs that require additional support and help in applying for housing.

## 2.9 Verifying information

During the application process, applicants will be asked to provide supporting evidence to verify their identity and personal circumstances. This will include:

- 2 x copies of identification for the main applicant and joint applicant, one of which must include confirmation of the National Insurance Number and proof of address
- where appropriate (persons from abroad) proof of work permits / documentation
- proof of child benefit / residency of child where appropriate.

Additional information and documentation must be provided if requested.

If an application is received on line the application must be complete and applicants will be required to send copies of the above to the office within 28 days. This may be supplemented by the partner landlords

- seeking references from former landlords or other persons
- obtaining supporting information from other organisations
- carrying out a home visit.

A failure to respond to request for information as part of the initial verification process within 28 days will generally lead to cancellation of the application. The applicant will be notified in writing. Further verification may be required during the application / allocation process. Applicants will be advised of shorter timescales to provide additional information / documentation at point of offer.

It is the responsibility of the applicant to provide the information / documentation.

## 2.10 Confirming registration

Applicants will receive confirmation that their application has been registered together with:

- their registration date<sup>4</sup>
- the band they have been awarded;
- a priority band date if different from the registration date;
- confirmation of which type and size of properties they are eligible to bid for; and
- their username, reference number and password for the website

Applicants must check the accuracy of this information as it will be used to decide their priority for receiving an offer of housing.

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<sup>4</sup> Date application received with **all** required supporting information.

## 2.11 Changes in circumstances

It is the responsibility of the applicant or their advocate to notify the partnership of any change in circumstances that could affect their application. The application will be re-assessed on the basis of their changed circumstances and placed in the band that reflects their current housing need.

If an application is moved to a higher band as a result of changed circumstances then the priority band date will be the date that the change was notified. This will be relevant for assessing any tie-break (see 4.6 - 4.10)

If an application is moved down a band, the priority band date will be the date the applicant entered the higher band or, if they had previously been in the new band, the date they originally entered that band.

An offer of a property may be withdrawn if it is evidenced that an applicant's circumstances have changed and would have resulted in a reduction of priority within the banding scheme. The applicant's new circumstances will be assessed and appropriate revised banding awarded. The applicant will be notified in writing.

## 2.12 Keeping the Register up to date

All applicants who have not bid for any properties within a 12 month period will be contacted and asked if they want to remain on the Register. A failure to respond within 28 days will mean cancellation of the application. Applicants in the Emergency and Gold bands will be reviewed on a more regular basis to ensure they are not having difficulties with the scheme and to check that they are bidding for suitable properties as they come up

## 2.13 Cancelling applications

Applications will be cancelled in the following circumstances:

- a request has been made by the applicant (or their named advocate) to cancel the application
- no reply to the review letter in the given time period\*
- applicant has been rehoused by one of the partners or completed mutual exchange
- lost contact with applicant as they have moved address
- a sole applicant has died.
- applicant has been denied entry to the scheme on the grounds of their serious unacceptable behaviour
- when it is clear and evidenced that an applicant has provided false information (the applicant must be notified of their right of appeal)
- verification: If it comes to light an applicant is no longer eligible to register with North Yorkshire Homechoice the application will be cancelled with immediate effect

\*If an applicant does not respond to confirm they want to remain on the register or provide information to verify their application in the given time period, they will be notified in writing that their application has been cancelled. The application will be re-instated provided the applicant makes contact and provides all the required information to the relevant partner landlord within 28 days of being notified their application is being cancelled.

## 2.14 Giving false information / deliberately withholding information

It is a criminal offence for anyone applying for housing from a housing authority to knowingly or recklessly give false information or knowingly withhold information which is relevant to their housing application (Section 171 of the Housing Act 1996).

Anyone found guilty of such an offence may be fined up to £5,000 and could lose the tenancy if they have been rehoused as a result of providing false information or deliberately withholding information.

Applicants who are found to have made fraudulent claims will be removed from the Register. This decision will be subject to review and the applicant (or their named advocate) will be informed in writing of the decision and of their right to request a review of that decision in writing.

The partnership will consider taking action against a professional organisation that knowingly or recklessly provides false information or deliberately withholds information on behalf of an applicant they are representing.

Applicants removed from the register will have to re-apply. The new application will be re-assessed on current information. Banding date will be from the date of the new assessment

## 2.15 Deliberate worsening of circumstances

Whilst the policy is intended to make sure that those with urgent housing needs are re-housed more quickly, it does not want to reward applicants who deliberately worsen their housing circumstances in order to get into a higher band; each case will be assessed individually.

Any applicant who deliberately worsens their circumstances will have their application re-assessed on the basis of the circumstances that applied prior to the worsening of their circumstances. Applicants can seek review as per 2.14.

## 2.16 Notifications about decisions and the right to a statutory review

Applicants have the following rights concerning decisions about their housing application:

- the right to be notified in writing of any decision not to be registered on the register because of unacceptable behaviour serious enough to make them unsuitable to be a tenant
- the right to be notified in writing of any decision not to be registered on the register because of immigration control
- the right, on request, to be informed of a decision about any information which is being taken into account in considering whether to make an offer of accommodation
- the right to request a review of a decision in respect of any of the above. The applicant will also be informed of the decision in respect of the review and the grounds for that decision.

Any request for a review must be made and information provided within 21 days of the notification of the decision. The review will be carried out in the first instance by the partner organisation that made the decision. The person carrying out the review will be of senior rank to the person that made the original decision and will have had no previous involvement in the original decision.

Where an applicant exercises their further right of appeal after receiving the review decision, the appeal will, subject to the next paragraph, be heard by an Application Reviews Panel, who will make recommendations to the local authority. Further rights of appeal will be outlined to the applicant in their decision letter. (See Appendix 2 for more details).

This further right of appeal in respect of decisions made in application of the rules pertaining to a housing association's charitable status will not be heard by an Application Reviews Panel but will be dealt with under the housing association's complaints process.

# Assessing housing need

### 3.1 Legal background

In framing this policy and to ensure that those in greatest housing need are given preference for an allocation of accommodation, the partnership has considered the categories of people that must be given reasonable preference by local authorities, as set out in s167(2) of the Housing Act 1996 and the Homelessness Act 2002. These are:

#### Reasonable preference

- people who are homeless including people who are intentionally homeless and those who are not in priority need
- people occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- people who need to move on medical or welfare grounds, including grounds relating to disability
- people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)
- this scheme is also framed by local priorities identified by consultation (within the framework of current guidance).

The partnership will ensure that monitoring arrangements are in place in order to monitor lettings outcomes and will review the policy in order to ensure that it meets our key aims and our legal duties.

### 3.2 Assessing housing need

Applicants will be assessed and given a priority band in accordance with the following categories of housing need:

#### Emergency band

This band is intended to meet the needs of applicants in extreme circumstances only; it will only contain a tiny number of applicants at any one time and is subject to a time limit.

- applicants unable to return to their home from hospital because their current home is permanently unsuitable<sup>5</sup>
- applicants unable to access key facilities in their home without **major** adaptation works<sup>6</sup>

#### Note:

- only applicants with a local connection to the partnership area will be considered for the Emergency band
- Any applicant in the Emergency band will have their case reviewed by the relevant partner organisation every four weeks, who will have discretion to re-band the applicant.

<sup>5</sup> Written confirmation from the relevant Social Services Authority Chief Officer or nominated person will be required, setting out the reasons as to why the applicant can not return to their home.

<sup>6</sup> Joint assessment between the Social Services Authority and the LA / Partner Landlord will be required, signed off by the relevant officer.

## Gold band

- care leavers at point of leaving care or supported housing<sup>7</sup> with an agreed support package relevant to offer
- applicants who need to move on from an approved accommodation based supported housing programme and the agency supporting them has provided evidence that their programme of support is complete and that they are able to live independently, either with or without support. (Resettlement category)
- applicants presently under-occupying a home owned by a local authority or housing association that is situated within the partnership area. They are willing to move to a property with at least two fewer bedrooms
- applicants who are a statutory homeless household under part 7 of the 1996 Housing Act who is owed the 'full duty'. (Applicants can be subject to a direct offer if, after a minimum of four weeks of registration in this band, they have not secured an offer of accommodation - see Appendix 3) applicants will only be able to bid for a property in the Local Authority area which has accepted the duty to house<sup>8</sup>
- applicants who are overcrowded and require two more bedrooms to relieve the overcrowding. (See Appendix 4)<sup>9</sup>
- applicants who are classified as a 'Good Neighbour' (see Appendix 5)
- applicants who are at risk of homelessness and in priority need (see Appendix 9)
- applicants with a serious and enduring illness whose health and/or well being is significantly compromised by their home or its environment, as assessed by the relevant trained Housing Officer. (Bids made on this basis must secure a health gain)
- applicants who need to move to a specific locality (from within or without) the partnership area, so that proven hardship can be prevented.

## Silver band

- applicants who have a health or well being issue, which will be removed or improved by a move as assessed by the relevant trained Housing Officer. (Bids made on this basis of priority must secure a health gain)
- applicants who are homeless under part 7 of the 1996 Housing Act or are at risk of homelessness and meet potentially homeless criteria, but are not in priority need (see Appendix 3 and 9)
- applicants who are overcrowded and require one more bedroom to relieve the overcrowding. (See Appendix 4)
- applicants whose home permanently lacks basic amenities, not due to the failure of the applicant
- applicants who share bathroom and /or kitchen facilities with separate households of people who will not be moving with them
- applicants who are presently under-occupying a home owned by a local authority or housing association that is situated within the partnership area. They are willing to move to a property with at least one less bedroom
- applicants who are intentionally homeless under Part 7 1996 Housing Act
- applicants placed in temporary accommodation under Housing Act 1996 and pending a decision.

## Bronze band

- all other applicants.

## Additional information

Applicants of No Fixed Abode must give a contact address and following appropriate housing options advice and verification will be banded according to current situation.

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<sup>7</sup> This is not applicable to Care Leavers in secure or assured non shorthold tenancies

<sup>8</sup> CBL Board decision July 2011

<sup>9</sup> Excludes applicants placed in temporary accommodation

# The choice based lettings scheme

### 4.1 Advertising properties on the choice based lettings scheme

Choice Based Lettings works by allowing applicants to express interest in available properties, which are advertised each week. From those applicants expressing an interest (bidding), the successful applicant will be decided in line with this policy.

The partnership will advertise the majority of their vacant properties as part of the scheme, including properties that have been designed or adapted to meet the needs of disabled or older people.

Each of the partner landlords will have responsibility for preparing the property description and advertising their vacancies on the scheme. Adverts will be clearly labelled to show the property features, local neighbourhood information and the types of household that can bid for it. A photograph will usually be included with the advert (this will illustrate the type of property being offered but may not be the actual property). If there is more than one property of the same type in the same location, for example a new development, only one property will be advertised. The advert will show how many of the same properties are available.

Properties may be advertised during the previous tenant's four week notice period, and may be withdrawn from the scheme if the tenant changes their mind about moving.

Applicants will be informed at registration what types of property they will be able to bid for. There will sometimes be other restrictions in the advert, for example where a property is designated for people over a certain age or for people with a particular assessed need for that type of accommodation. Bids from applicants will only count if they can match the requirements in the advert.

### 4.2 Adapted properties for people with disabilities

Adapted properties are homes, which have been designed or significantly adapted to meet the needs of people with physical or sensory disabilities. Adapted homes will be advertised as part of the scheme to ensure that applicants assessed as needing this type of accommodation are given the widest possible choice. This is consistent with the duty to promote disability equality.

Adverts will make clear if the property is adapted and will encourage bids from people who need an adapted home. Applicants with disabilities who wish to bid for an un-adapted home are free to do so. However, the partner landlords reserve the right to overlook any successful bid if it is not practicable to adapt the property for the applicant or there is no funding to enable them to do so.

In selecting an applicant for an adapted property from the short-list of qualifying applicants, the full circumstances of each case will be considered when deciding who will be offered the property. In some circumstances priority for the offer may be given outside the tie-break order, if the vacancy is particularly suitable for the needs of an applicant.

### 4.3 Housing with support schemes, including extra care schemes

Properties that provide accommodation based support services under the Supporting People programme (other than sheltered housing) will not be advertised as part of the scheme. Vacant properties will be directly matched to qualifying applicants who meet the eligibility criteria following a detailed assessment into their housing needs by their service providers.

## 4.4 The bidding cycle

Available properties will be advertised weekly on the scheme's interactive website. A weekly property sheet, which provides details of the advertised properties, will be made available for collection from the partner organisations' reception points or to download from the website. In some cases applicants will personally receive a suitably edited 'hard copy' of the adverts, on grounds of vulnerability or isolation.

Applicants (or their advocates) wanting to bid can:

- use the website
- use the automated telephone bidding line
- send a text message
- return a coupon by post
- contact a partner organisation in person.

Applicants can bid for up to three properties per week. Depending on the method of bidding, applicants can find out their position on the list at the time they bid, together with the total number of bids already placed against the property. This will enable applicants to test their chances of being successful when placing bids against properties they are interested in.

## 4.5 Bidding from prison

Applications can be accepted from people in prison, but would normally not be made live as the applicant is clearly unable to take up a tenancy. When the applicant is within four weeks of release, the application will be updated to take account of the anticipated housing circumstances post release and the applicant placed in the appropriate band. The registration date for the application will be the date placed in the band.

The expectation of the partner organisations is that Offender Managers or prison resettlement services will work with clients prior to and after their release to assist in addressing any barriers to registering. The presumption is that the use of the statutory homeless route will be avoided and that the Prison Service or Contractor will have in place a re-settlement plan prior to release, which will be jointly developed with Housing Options staff. The details of prisoner release are covered by the 'York Offender Housing Protocol' and the 'North Yorkshire Offender Housing Protocol'.

Under certain circumstances, a tenant of one of the partner landlords, sentenced to more than 13 weeks imprisonment, can receive a 'Direct offer' on release from prison from the landlord who originally housed them. (see Appendix 6)

## 4.6 Short-listing and selection - Tie breakers - 1 Housing need

At the end of the advertising period, a short-list of eligible applicants who have bid will be produced.

Bids will be placed in band order. Applicants in Emergency band will be ranked first, followed by those in Gold, Silver and Bronze bands.

Bids received will first of all be prioritised according to priority band. This is the measure of an applicant's housing need; this scheme is therefore driven primarily by housing need.

There are five 'tie breakers' in total used to help determine priority between bids. They are; **banding - local connection - occupation - debt - time** in that order.

The 'tie-breakers' are only used as necessary, for example if only two applicants bid for a property, one in Gold, the other in Silver, then the offer goes to the (higher) Gold applicant. If both applicants are in Gold then the process moves to the next 'tie-breaker' and so on.

#### 4.7 Tie breaker 2 - local connection

Applicants will be counted as having a local connection<sup>10</sup> to the partnership area if they fit one or more of the following categories:

- currently resident in the partnership area (York, Selby, Ryedale, Hambleton, Scarborough, Richmondshire, Craven) and have been resident for at least a period of 6 months; or
- have lived in the partnership area for at least 3 years out of the last 5 years; or
- have an essential need to live close to another person who currently lives in the partnership area, who has been resident for the last six months, so that support can be given or received; in this case the applicant can only bid to a Local Authority area near to where the family member lives or
- have been employed<sup>11</sup> in the partnership area for the last 6 months; or
- have a close family member residing in the partnership area who has done so for at least six months (parent, son , daughter, brother , sister); or
- one of the partner local authorities has accepted a duty to house the applicant from another council under the terms of Housing Act 1996 Part 7.

#### 4.8 Tie breaker 3 - Occupation

The principles of bidding allow applicants to bid for properties that are one bedroom larger or smaller than the eligibility criteria set out in Appendix 7.

Where two or more applicants, equal in respect of band and local connection bid for the same property, then making best use of the size of property will be taken into account and applicants prioritised in the following order:

- those who meet the eligibility criteria
- those who need one bedroom more than the eligibility criteria
- those who need one bedroom less than the eligibility criteria.

#### 4.9 Tie breaker 4 - Debt

Where bidders are 'equal' in terms of their need and local connection etc, previous financial conduct will be taken into account. The applicant with no housing related debt will be successful.

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<sup>10</sup> Time spent in HM Prisons / Approved premises or hospital does not count towards local connection.

<sup>11</sup> Employment is defined as permanent - full or part time. Not casual or seasonal.

## 4.10 Tie breaker 5 - Time

If there is still more than one applicant 'tying' after band-local connection-occupation - debt have been considered then the offer will be made to the applicant with the earliest registration or priority band date<sup>12</sup>.

## 4.11 Exceptions to the tie-breaker order

There may be restrictions on who can be allocated a property. When this is the case, applicants will be advised in the property advert of the specific conditions. These are the likely circumstances of the specific conditions:

### Section 106

When a property has been secured using the provisions of Section 106 of the Town and Country Planning Act 1990 there is usually a legal obligation that the successful applicant must have a clear connection to the specific neighbourhood in which the property is situated. This connection may be defined in different ways.

### Planning or legal condition

There may be a planning or legal condition on the site which restricts who can live there.

### Local lettings initiatives (LLIs)

Where a partner landlord has established a local lettings initiative.

### Access for lower bands

The two lower bands (Silver and Bronze) will be monitored to identify what percentage of allocations they are receiving. The partnership Board can consider setting a quota for these bands within its annual review process, should customers in these bands be achieving little success in securing housing.

### Adapted properties

In selecting an applicant for an adapted property from the short list of qualifying applicants, the full circumstances of each case will be considered when deciding who will be offered the property. In some circumstances, priority for the offer may be given outside the tie-break order, if the vacancy is particularly suitable for the needs of an applicant.

## 4.12 Overlooking bids

In certain, clearly defined circumstances the top bidder for a property may not receive an offer, and their bid will be overlooked. There are clear monitoring and reporting requirements for this - details are at Appendix 8.

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<sup>12</sup> Where the application relates to an applicant who has completed an accommodation based support programme, their time on the register will be backdated to the date they entered the support programme.

### 4.13 Direct offers

In general applicants will bid for properties but in exceptional circumstances a property will not be advertised but will be offered directly to an applicant<sup>13</sup>. Such circumstances include:

- statutory homelessness cases (full duty) in accordance with this policy (See Appendix 3)
- MAPPA cases
- the offender initiative described in Appendix 6
- management transfers in accordance with Appendix 11
- causes of flood or fire to the partner landlord's own properties, resulting in the tenant needing to be re-housed
- where, under the partner landlord's policy, a person can succeed to the tenancy but the property is inappropriate
- applicants whose home is subject to demolition or refurbishment by one of the partner landlords
- applicants who have fully completed a programme of re-settlement, with a re-settlement project named, approved and identified by one of the partner landlords. Such applicants will be persons who would have been unlikely to sustain a tenancy unless they had been through a re-settlement process
- applicants owed a duty by the local authority under the Rent (Agricultural) Act 1976
- national witness scheme
- any other case where the issue is sensitive, specialist or an emergency including Care Leavers.

The guiding principle here is that the partner making the direct offer must house the applicant. Direct offers will be appropriate and suitable to the applicants needs. Direct offers will be reported in lettings feedback (see 4.17).

### 4.14 Viewing properties and receiving offers

When an applicant has been short-listed, the relevant landlord will arrange an opportunity to view the property. In some circumstances, more than one applicant may be invited to view.

Further verification of circumstances will be undertaken to ensure the applicant is still eligible for the property prior to an offer being made. Applicants to provide the information or documents within a specified time frame.

If applicants are successful for multiple properties on same week they will be asked to express a preference prior to viewing. An applicant cannot accept 2 properties subject to viewing.

Generally applicants will not be penalised if they refuse an offer of accommodation; however where more than 5 offers of accommodation have been refused, the applicant will be invited to an interview with the partner landlord that originally assessed their application. In order to meet urgent housing need, accepted statutory homeless, potentially homeless, resettlement category are expected to bid for all suitable properties each week. Failure to do so may result in either status being reviewed after 28 days and if necessary withdrawn or where appropriate direct offer being made.

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<sup>13</sup> Direct offers will be approved by the relevant senior officer of each partner. Each partner landlord will provide details to the Partnership Board on a quarterly basis of all properties let under a direct offer including the reasons for the direct offer.

If an applicant has refused a direct offer of accommodation, they will only be given a second offer in exceptional circumstances.

**Note:** Statutory homeless applicants who are owed the main homeless duty will be offered accommodation in accordance with sections 193(7) and 202 of the Housing Act 1996. The statutory duty owed will be discharged where a reasonable offer is refused in these circumstances.

#### 4.15 Time allowed for accepting an offer

Applicants will be allowed 2 days after the viewing to make a decision about whether to accept. If there are extenuating circumstances longer may be allowed. Individual circumstances will be taken into account and applicants with specific needs will be given more time, for example if an assessment for adaptation works is needed or someone with a disability needs more time to consider the move. Once an offer has been matched and accepted an applicant cannot make any further bids without withdrawing current offer.

#### 4.16 Monitoring

The partnership will monitor the scheme on an on going basis to ensure:

- the scheme is meeting its aims and objectives
- the policy complies with the duty to give reasonable preference whilst also allowing other groups to access affordable housing
- the scheme is providing equality of opportunity
- applicants are satisfied with the scheme
- that partner organisations are not subject to disproportionate levels of net inward migration - See Appendix 10.

In addition:

- the partner organisations will routinely undertake specific monitoring of bid patterns, with a view to providing the best possible housing options service. Applicants in the Emergency and Gold bands, or who are inactive or consistently unsuccessful will receive targeted advice and support (see also Section 5).

The outcomes of the monitoring will be used to assess whether any changes need to be made and to continually develop and improve the scheme. Monitoring of the policy will be on going including formal annual review by the partnership.

#### 4.17 Publishing feedback on lettings

Applicants will only be contacted if they are invited to view a property.

Lettings results will be published on the website and in the property sheet and will include the following information:

- the property type and neighbourhood
- the total number of bids made for the property
- the successful applicant's registration date and/or priority band date
- properties where a direct offer was made and the vacancy was not advertised
- individuals can view the outcome of their personal bids on the website.

#### **4.18 Future development of the scheme**

The partnership is committed to continually reviewing its practices and procedures associated with this policy and the scheme, to ensure a consistent and joined up approach in the delivery of a first class lettings service for North Yorkshire. In doing so, the partnership will take account of best practice and feedback from applicants.

The partnership will strive to integrate the lettings process with access to emerging education, training and employment opportunities.

The partnership will strive to collect and publish data on general patterns of supply and demand to help applicants make informed decisions.

# Other housing options

The partnership is committed to offering other affordable housing solutions to those in housing need and to those who may have to wait a considerable time before being successful in receiving an offer of accommodation.

As social housing is in such short supply, the partnership will work with other housing providers to maximise the amount of vacancies advertised through the scheme.

In due course, applicants will have the ability to consider the following housing options in accessing the CBL scheme:

## 5.1 Private landlords

The scheme will provide for the advertisement of properties which are owned by responsible private landlords. The adverts will make clear that the partnership is not acting as an agent for private landlords; that the properties advertised will be offered as assured shorthold tenancies; and the basis on which successful bids will be considered if it differs from the way tenants for the partner landlords' are selected.

## 5.2 Housing associations

Housing associations (apart from the partner housing associations) will be encouraged to increase the number of vacant properties they advertise on the scheme. Housing association vacancies that are advertised for nomination will be clearly labelled to say which local authority is the nominating authority.

## 5.3 Low cost home ownership

The CBL scheme will enable properties for low cost sale to be advertised. Applicants will need to meet certain criteria.

## 5.4 Mutual exchanges

The scheme will allow for mutual exchanges to be advertised throughout the sub-region in order to give opportunities for tenants to move outside of the CBL scheme. Applicants for mutual exchanges may only exchange with their landlord's permission.

# Head office contacts for partners

### **City of York Council**

The Guildhall  
YORK  
YO1 9QN  
Phone: 01904 551550  
E mail: [housing.registrations@york.gov.uk](mailto:housing.registrations@york.gov.uk)

### **Selby District Council**

Civic Centre  
Doncaster Road  
SELBY  
YO8 9FT  
Phone: 01757 705101  
E mail: [info@selby.gov.uk](mailto:info@selby.gov.uk)

### **Craven District Council**

1 Belle Vue Square,  
Broughton Road  
SKIPTON  
BD23 1FJ  
Phone: 01756 700600  
E mail: [housing@cravendale.gov.uk](mailto:housing@cravendale.gov.uk)

### **Ryedale District Council**

Ryedale House  
MALTON  
YO17 7HH  
Phone: 01653 600666  
E mail: [lorraine.gould@ryedale.gov.uk](mailto:lorraine.gould@ryedale.gov.uk)

### **Broadacres Housing Association**

Broadacres House  
Mount View  
Standard Way  
NORTHALLERTON  
DL6 2YD  
Phone: 0800 587 5291  
E mail: [info@broadacres.org.uk](mailto:info@broadacres.org.uk)

### **Scarborough Borough Council**

Town Hall  
St Nicholas Street  
SCARBOROUGH  
YO11 2HG  
Phone: 01723 232323  
Email: [housingoptions@scarborough.gov.uk](mailto:housingoptions@scarborough.gov.uk)

### **Hambleton District Council**

Civic Centre  
Stone Cross  
NORTHALLERTON  
DL6 2UU  
Phone: 0845 1211555  
E mail: [housing@hambleton.gov.uk](mailto:housing@hambleton.gov.uk)

### **Richmondshire District Council**

Swale House  
Frenchgate  
RICHMOND  
DL10 4JE  
Tel 01748 829100  
Email: [sara.smith@richmondshire.gov.uk](mailto:sara.smith@richmondshire.gov.uk)

### **Yorkshire Coast Homes**

Brook House  
4 Gladstone Road  
SCARBOROUGH  
Phone: 0845 065 56 56  
E mail: [info@ych.org.uk](mailto:info@ych.org.uk)

### **Yorkshire Housing**

Yorkshire House  
6 Innovation Close  
Heslington  
YORK  
YO10 5ZF  
Phone: 01904 75440  
E mail [enquiries@yorkshirehousing.co.uk](mailto:enquiries@yorkshirehousing.co.uk)

# Ineligible applications

## (serious unacceptable behaviour)

### 1. Introduction

- 1.1 The partnership recognises the Government's commitment to encouraging inclusion and social stability and will use this policy to encourage access for all applicants, including those that are socially disadvantaged. This will be achieved by ensuring that each application is treated on its individual merits and by making available mutually agreed programmes of support to vulnerable applicants in conjunction with other statutory and/or voluntary organisations.

### 2. Statutory and regulatory guidance

- 2.1 The Code of Guidance (Allocation of Accommodation-November 2002) explains in detail how local housing authorities should apply the 'unacceptable behaviour test.' In summary, the test states that to make someone ineligible for an allocation of accommodation, the local authority must be satisfied that the applicant, or a member of his/her household has been guilty of unacceptable behaviour that is serious enough to make him/her unsuitable to be a tenant at the time the application is being considered. The 'test' is whether the behaviour would have entitled the housing authority to an outright possession order if, whether actually or notionally, the applicant had been a secure tenant.
- 2.2 Officers dealing with the assessment of housing applications will be fully trained and aware of relevant codes of guidance in the application of the statutory unacceptable behaviour test.

### 3. Assessing ineligibility

- 3.1 The partnership recognises that whilst it wishes to promote balanced and sustainable neighbourhoods, denying access to social housing might result in broader social exclusion for the households involved. Therefore, applicants will not automatically be made ineligible if their circumstances 'fit' a defined category; each case will be judged on its own merits and efforts will be made to resolve any issues, which prevent applicants from joining the Register.
- For the purpose of this document, ineligibility means that an applicant has been denied access to the Common Housing Register and is unable to participate in the choice based lettings scheme on the grounds of their (or a member of their household's) unacceptable behaviour.
- 3.2 The partnership will consider an application to join the Register where a history of unacceptable behaviour is proved, if the applicant is attempting to modify that behaviour with the help of a recognised support agency and that agency will continue the support if/when the applicant is housed.
- 3.3 The partnership will ensure that the process for assessing eligibility is both fair and effective in the management of the housing stock. In reaching a decision on whether or not to make an applicant ineligible on the grounds of unacceptable behaviour, all relevant information will be taken into account, including whether the behaviour could have been due to a physical or learning disability or mental health problems.
- 3.4 Where an applicant's behaviour is not serious enough to make them ineligible, it will still be considered in deciding the level of priority received within the priority band. For example, where there are low or moderate rent arrears the applicant would be overlooked for offers of accommodation where there are other competing applicants with the same level of need who do not owe any money.
- 3.5 This policy applies to existing tenants applying to transfer and to new applicants joining the Register.

## 4. Examples of serious unacceptable behaviour

- 4.1 For the purpose of this document, examples of the type of unacceptable behaviour that will be considered in deciding whether or not to allow an applicant access to the Register include domestic violence, racial harassment, drug dealing, serious noise nuisance, intimidation and any other acts of unacceptable behaviour or serious breaches in tenancy conditions, for example serious rent arrears, which would make the applicant unsuitable to be a tenant.
- 4.2 Applicants who have relevant unspent convictions for serious criminal offences, which may threaten the stability of a community will have their housing needs assessed and all factors will be taken into account before a decision is made regarding their eligibility to join the Register. The partnership will work collaboratively with the police, probation, prison service or any other relevant support agency in an effort to resolve an applicant's ineligibility and improve their chances of being integrated back into the community through a planned and managed approach.
- 4.3 Where an applicant (or a member of the household) has a history of antisocial behaviour or has breached their tenancy conditions, all relevant facts will be considered before a decision is made (as per section 2 above) regarding their eligibility to join the Register. Where antisocial behaviour has been committed by a person who was, but is no longer a member of the applicant's household, the behaviour will be disregarded provided the applicant is not guilty themselves of unacceptable behaviour. The partnership will collaborate with other agencies, such as social services and health services, to try to resolve an applicant's ineligibility.
- 4.4 Where a Local Authority accepts a duty to house under 1996 Housing Act (Part 7) but an applicant is excluded from the register then applicant should be offered an alternative housing option (eg private rented sector, alternative Housing Association , supported housing) or can show that they have engaged to resolve the ineligibility

## 5. Grounds for lifting ineligible status

- 5.1 The basic principle for lifting the 'ineligible' status will be evidenced material change in the applicant's circumstances. For example:
  - where an applicant has been guilty of unacceptable behaviour, the applicant has demonstrated a material change in their behaviour
  - the applicant has in place a recognised support package that addresses previous misconduct and will continue once housing has been offered under the scheme
  - the relevant conviction has become spent.
- 5.2 A fresh application will need to be made by the applicant where they have been previously made ineligible and feel that their behaviour should no longer be held against them as a result of changed circumstances.

## 6. Notifying the applicant of the decision and the right to review

- 6.1 All applicants will be notified if they are deemed ineligible, the reasons for it, the period of ineligibility and their right to request a review of the decision. Applicants will also be notified of what actions they can take to remedy their ineligibility and a signposting/referral service to other support or independent advice agencies will be offered, if applicable.

All applicants have the right to have a review of any ineligibility for the register. Any request for a review must be made within 21 days of the notification of the decision.

The review will be carried out in the first instance by the partner organisation that received the original application. The person carrying out the review will be of senior rank to the person that made the original decision and will have had no previous involvement in the original decision.

Where an applicant exercises their further right of appeal after receiving the review decision, the appeal will be heard by an Application Review Panel.

Each of the ten partners who established the scheme shall provide a representative to the panel, who will consider whether any applicant can have their ineligibility for the register lifted. The panel could be facilitated by one nominated officer, acting for all the partners; a local authority could be represented by its housing association partner and vice versa.

The panel will have regard to the Allocations Code of Guidance 2002 and will consider each case as to its individual merits. If the matter is a statutory one, the Panel will advise the relevant local authority, who will have to make a final determination taking the panel's view into account.

Human Rights legislation means there is a requirement for review processes to be independent. This can be satisfied by the withdrawal of any representative from the organisation that applied the decision under review.

The Applications Review Panel can also consider non-statutory matters such as disputes on banding, worsening of circumstances, priority band etc , where these have not been resolved locally. Again, the panel will provide the relevant body with a recommendation.

# Homeless applicants

A key objective of the partnership is to assist the local authorities in preventing and reducing homelessness by providing a range of housing options through CBL.

Where an applicant presents as literally homeless or threatened with homelessness, robust advice and information will be provided and every effort will be made to resolve their housing situation.

If an applicant is assessed as being homeless **within 28 days** and they are eligible for assistance, in priority need, locally connected to the partnership area and not intentionally homeless, they will be found to be statutorily homeless and will be entitled to one reasonable offer of accommodation, which will be made in accordance with sections 193(7) and 202 of the Housing Act 1996, meaning that the offer will be made in writing and will be subject to the right of appeal. Applicants who are statutorily homeless will be placed in Gold band and will be expected to bid for all suitable properties within the locality that have been advertised.

Applicants who are statutorily homeless will be frequently reviewed to ensure they are bidding for suitable properties. If applicants have not been bidding, their officer will contact them at a suitable period of time to establish the reasons why and to address any need for further advice or assistance to enable them to participate effectively in the scheme. **The partnership reserves the right to make a direct offer to a statutorily homeless household after a minimum of 4 weeks if they have not been successful in securing a property through the scheme.** The homeless duty will be discharged if an offer is made as a result of a successful bid on a suitable property.

Applicants who have a statutory homeless decision that they made themselves intentionally homeless or who have been assessed as non priority homeless will be entitled to reasonable preference; the same will apply to those who are no longer owed the main homeless duty as a result of turning down a reasonable offer of accommodation that was made in writing and subject to the right of appeal; applicants in these categories will be placed in Silver band.

**Potentially homeless:** If an applicant is assessed as meeting all the relevant criteria for being statutorily homeless, but **within a 90 day period**, the partner organisation in the locality will explore a number of options to prevent homelessness from occurring. Applicants in these circumstances will be placed in Gold band as a homeless prevention category and will be frequently reviewed to ensure they are bidding for all suitable properties. If the applicant has not been bidding, the officer will contact them to establish the reasons why and to address any need for further advice or assistance to enable them to participate effectively in the scheme. **The partnership reserves the right to withdraw this band if the applicant is not bidding for all suitable properties after 28 days where appropriate.** The review will also highlight any changes in circumstances as a result of homeless prevention activity, which could alter their homelessness assessment and priority band. A homeless application could be completed at a later stage if the applicant's housing need is not resolved.

# Defining overcrowding and housing at height

The following assumptions are made on overcrowding:

Each bedroom is assumed to be able to accommodate 2 people

Couples, married couples and civil partners will be expected to share a bedroom.

Single adults aged 21 or over will require their own bedroom.

A person aged 9 - 20 years will require a separate bedroom if they would otherwise have to share with the opposite sex.

A room intended as a bedroom but used for another purpose will still be classified as a bedroom

**Discretion can be exercised by staff to adjust the number of bedrooms required if: -**

- the bedrooms in the property are particularly large or small
- a child requires their own bedroom due to disability.
- an applicant needs a bedroom for a carer or to facilitate specialist medical treatment.

In cases of joint custody of a child or children, recent case law states that only in exceptional circumstances, such as where children have special needs, will it be reasonable for children who already have an existing home with one parent to be provided with another home to live with the other parent.

In cases where any child has a home elsewhere but chooses to live with another adult (eg sibling) this will be discounted when considering overcrowding

If an applicant with children wishes to apply for a property with the living accommodation at first floor or above, this is acceptable and is seen as a legitimate applicant choice.

# The good neighbour scheme

This is an incentive scheme for secure and assured tenants of the partner landlords living in the North Yorkshire Home Choice partnership area who are accepted on to the Housing Register and who have not, in the past three years, breached their tenancy conditions (including having a clear rent account for that period). Such tenants can apply to be “Good Neighbour Standard” applicants. Good Neighbour Standard applicants will be placed in Gold band.

To qualify for this standard the applicant must have lived in the same property for minimum of 3 years, the applicants’ home must be in a good state of repair & decoration and suitable for re-letting without additional work (over and above the relevant safety checks). Tenants must agree to allow their landlord to show other applicants around the property prior to them moving out.

Applicants do not have to have housing need to be granted good neighbour status

In addition to ‘the original partnership’ landlords, Good Neighbour Standard is granted to tenants of organisations who have signed the North Yorkshire Homechoice Service Level Agreement, becoming partner landlords and give 100% nominations of their vacant properties. Gold band status will only be awarded to applicants following verification.

# The offender initiative

A tenant of one of the partner landlords, sent to prison for a duration longer than 13 weeks can receive a 'direct offer' on release from prison, provided they meet the criteria below.

- that the tenancy was given up promptly on their imprisonment.
- there were no rent arrears or damage to the property.
- there was no anti-social behaviour related to the conduct of their tenancy.
- that the individual satisfies the acceptable behaviour test on their release.

# Property eligibility

The table shows the size of properties that applicants are eligible for based on their household composition.

Some flats and bungalows are classed as sheltered accommodation. This type of accommodation is generally intended for people who are aged 60 or over and/or need support to help them maintain their independence. Applicants will be assessed as to whether they need this type of accommodation.

The following table shows the household composition and property eligibility.

	Bedsit / Studio	1 bedroom flat / maisonette / house	1 bedroom bungalow	2 bedroom flat / maisonette / house	2 bedroom bungalow	3 bedroom flat / maisonette / house	4 bedroom house	5+ bedroom house
One adult	✓	✓	✓					
Two adults		✓	✓					
Three adults				✓	✓			
One / Two adults with one child				✓	✓			
One / Two adults with 2 children, both the same sex or both aged under 9				✓	✓			
One / Two adults with 2 children of different sexes, one aged 9 years or over						✓		
One / Two adults with 3 children						✓		
One / Two adults with 4 children						✓	✓	
One / Two adults with 5+ children							✓	✓

Applicants can bid for properties one bedroom larger or smaller<sup>14</sup> than the above requirements, However, if required, Tie breaker 3 will prioritise applicants to make best use of the size of the property.

<sup>14</sup> Note: The landlord reserves the right to overlook a successful bid where the offer of the property would result in the applicant being statutory overcrowded.

# Overlooking a successful bid

There will be circumstances where allocations staff will need to, or will have discretion to, overlook a successful bidder. Allocations staff will be provided with procedural guidance on this.

1. The **mandatory grounds** for overlooking a bid are:

## 1.1 Debt from previous tenancies

This is debt to other social landlords, temporary accommodation, hostel or supported housing (excluding council tax) usually for arrears of rent or rechargeable repairs. It is debt in respect of former, not current tenancies.

A successful bid must be overlooked if the applicant has housing related debt. An exception to this can only be made if:

- the applicant has a re-payment agreement in place and that agreement has been maintained successfully for thirteen weeks prior to the successful bid being made, and
- the re-payment agreement is current

The guiding principle therefore is that applicants with debt must have a current re-payment agreement, that has been sustained for at least 13 weeks, every time they bid.

## 1.2 Existing tenants of social landlords

Existing tenants will be overlooked if they are in breach of their tenancy conditions (and would generally include owing rent or any other debts to their landlord) or their property has been specifically adapted as outlined in Section 2.6

Also those in temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current arrears

## 1.3 MAPPA

Such applicants can be overlooked if the property is not suitable on advice of North Yorkshire Police Public Protection Unit or Probation Services and should then be dealt with by a direct offer as per 4.13. Should such an applicant have made a successful bid and the IT system has not filtered out such bids, then staff can overlook the offer.

## 1.4 Health and safety or illegality

A successful bid that creates a risk to life, serious health and safety risk, or creates a situation that is illegal such as statutory overcrowding.

## 1.5 Charitable Status

Some housing associations have charitable status which place restrictions on who can be housed. A successful bid will be overlooked if the applicant does not meet the charitable criteria of the housing association.

## 1.6 Essential Need

Where a person has an essential need to live close to another person who currently lives in the partnership area, the property must near to where the family member lives.

## 1.7 Support

Where there is no relevant support package in place if required.

2 The **discretionary grounds** for overlooking a bid will include:

### 2.1 Disability

Where a household with disabilities; are potentially being let a property which can not reasonably be adapted for them. It may not be reasonable to adapt properties where a major structural alteration is required such as:

- an extension
- a through floor lift
- door widening.

The need for minor adaptations such as stairlifts, adjustments to baths or showers, grab rail etc should generally not exclude the successful applicant from receiving the offer, however staff will exercise their discretion if funding is not available for these adaptations.

### 2.2 Adapted properties

Where the successful bidder has secured an adapted property without having any need for that adaptation. Staff can re-advertise for a one further cycle in this instance.

### 2.3 Terms of the advert

Where the successful bid does not comply with the terms of the advert.

Partners must record any instance when a successful bidder has been overlooked, and report regularly to the partnership Board.

If there is no bidder that meets the terms of the advert the property can be re-advertised.

# Definition of at risk of homelessness

## Risk of homelessness

The following are examples of when an applicant living in the partnership area is at risk of homelessness; evidence and engagement with the Housing Options/ Housing Advice services in their locality are required before an applicant can be seen as 'at risk'. Applicants who have negligently or deliberately placed themselves at risk of losing their home will be subject to the provisions in this policy for deliberate worsening of circumstances (2.15).

- they live in tied accommodation linked to their employment and that employment is coming to an end
- they have received a valid, legal, written 'notice to quit' from their private landlord giving appropriate notice and the customer has engaged with their local Housing Options/Housing Advice Service. The Officer must be satisfied that the landlord intends to implement the notice
- one party to a joint secure, introductory, assured or assured shorthold tenancy has given notice, ending that tenancy for the other parties and the landlord is not willing to transfer the tenancy to remaining parties or provide suitable alternative accommodation
- the tenant of a property has died, remaining parties in the property have no right of succession, and there is no offer of suitable alternative accommodation or transfer of tenancy
- the valid service of a Compulsory Purchase Order or Emergency Prohibition Order
- the applicant's home is due to be demolished
- the applicant has lost their home due to their landlord having the property re-possessed
- termination of an Agricultural Tenancy under the terms and administrative processes of the Agricultural Tenancies Act 1976
- the applicant has been asked to leave by family or friends with whom they live all potentially homeless cases awarded gold or silver band should be managed to case work level in accordance with DCLG criteria (prevention statistics).

# Monitoring mobility

Applicants connected to the partnership area are permitted to bid for properties in all seven local authority areas; no other level of local connection is taken into account (other than that outlined below).

This permits social and economic mobility, improves choice and is integral to a sub regional scheme.

Mobility is framed here with some checks and balances:

- the Partnership Board will monitor the impact of mobility, linked to baseline data on the level of letting cross boundary in other sub regional schemes and the current level of cross boundary letting in North Yorkshire
- section 106 agreements and other conditions as outlined in 4.11
- the discretion to transparently establish Local Lettings Initiatives
- the Partnership Board reserves the right to limit or restrict cross boundary mobility should a particular local authority area exceed a certain level of **net** inward migration. The Board will consider the impact of any net inward migration that exceeds the net level in 2009/10 by more than 5 percentage points, imposing a temporary restriction if it sees fit.

# Management Transfer

## Management transfer (emergency move)

A management transfer can be agreed for persons in imminent danger and is subject to the discretion of the designated chief housing officer within each partner organisation.

A management transfer will be considered for a tenant of the partner landlords if there is evidence to show that they are experiencing harassment of a serious, targeted and persistent nature (as defined in the table below) which the tenant could not reasonably have prevented or avoided through their own actions and where there are no other appropriate ways of resolving the problem without resulting in a serious risk of harm.

serious	<ul style="list-style-type: none"> <li>● violence used; or</li> <li>● threats of violence which is evidenced and likely to be enacted; or</li> <li>● extensive property damage, making the property uninhabitable; or</li> <li>● harassment based on race, sexuality or disability.</li> </ul>
and targeted	<ul style="list-style-type: none"> <li>● specifically aimed at the individual or household; or</li> <li>● related exclusively to the property; or</li> <li>● not experienced by others in the immediate neighbourhood.</li> </ul>
and persistent	<ul style="list-style-type: none"> <li>● a series of repeated and recent incidents over a defined period of time and / or a likelihood of repetition assessed by police / other agency.</li> </ul>

The aim of a management transfer will be to move the household to a place of safety. If the request is accepted the applicant will be made one direct offer. The offer can be for any area within the current partner landlords stock.

The offer will usually be to a “like for like” property. Any further housing needs (usually overcrowding) will be addressed through the allocation policy and prioritisation in accordance with 3.2. If the tenant is already registered for a transfer on the basis of other housing needs they will retain their existing registration/priority band date.

# Resettlement

### Definition

The resettlement criteria is defined as: *Where the applicants have completed an intensive/ approved resettlement programme (as determined by the nominated officer). This will usually be for 12 months, but in any case be for a minimum of 6 months.*

Re-settlement Projects in the partnership area are identified in the staff guidance notes and may on occasions change due to decommissioning / change of contracts.

Re-settlement activity is seen by this scheme as a distinct area of activity from accommodation based supported housing. Applicant who can evidence a **completed** programme of accommodation based supported housing attract a Gold Band status under this scheme as noted above.

The minimum standard required before a programme of re-settlement can be considered complete will include evidence of support around the following areas:

- health and related issues
- money Management
- engagement , training and social inclusion
- practical Skills,
- personal Skills,
- tenancies Work
- making Safe

### Ongoing Support

If the applicant does not need long term support but would benefit from some support, in particular when they first move into independent accommodation they should be referred to the appropriate organisation and this should be noted in the request for resettlement criteria.

# Young People Support and Trustees

## Minimum Required Standard for Support Packages and Trusteeships (Young People 16 and 17 years old)

The housing support package must have been set up as a condition of access to the register, with the applicant attending regular support sessions prior commencement of tenancy and be provided until applicants 18<sup>th</sup> birthday or minimum 6 months whichever is longer. Support can be continued after this if necessary. Support must be available in the Local Authority area in which they live or where they are moving to.

### Relevant Trustees:

Minors - including 16 and 17-year-olds - cannot legally be bound by contracts or hold a legal estate in land. The exception to this rule is that minors can be bound by a “contract for necessities” and a minor can be legally bound to pay rent. Therefore a minor can hold an *equitable* tenancy providing a trustee is appointed to hold the legal estate. The Trustee is merely holding a legal estate on trust until the minor reaches 18 and is legally permitted to hold an estate in land.

All new applicants under 18 can only be offered an Equitable Tenancy provisional on a suitable Trustee and support package.

Trustees do not have a financial responsibility. Each locality is free to exercise discretion on the organisations or individuals able to exercise this function , provided the Trustee is

- a responsible adult
- an organisation, that organisation has as part of its remit, the provision of support to young people providing that organisation is not also the landlord of the property concerned
- a named individual within an organisation , that organisation has as part of its remit, the provision of support to young people providing that organisation is not also the landlord of the property concerned

Wherever possible a Trustee who is a responsible adult should:

- be a friend or relative
- have a stable 5 year housing history
- have no debts to LA (Council Tax or rent) / Housing Association
- be able to attend the tenancy sign up
- will hold the legal estate on trust. This will expire on their 18<sup>th</sup> birthday.

An individual accepted as a Trustees must attend the sign-up stage of tenancies, along with the landlord and support worker and, obviously, the Tenant. An agency who is accepted as an individual should attend the sign-up stage of tenancies wherever possible , along with the landlord and support worker and, obviously, the Tenant. If the Trustee is unable to sign they should complete the necessary paper work immediately following the sign up.

There is no obligation on the Trustee to attend any future events relating to the tenancy

The Trustee and tenant would be jointly served with any court proceedings and paperwork and invited to attend court, but they are not required to appear at court.

The trustee would automatically end on a young persons 18<sup>th</sup> birthday, when a Introductory or Starter Tenancy should be signed.

In case of Equitable tenants where both under 18: an individual Trustee is required for each Equitable tenant until each tenant becomes 18.





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