

NORTHUMBERLAND HOMEFINDER

Northumberland Homefinder

Common Allocation Policy

Providing an increased housing choice to people who want to live in Northumberland and where people choose the houses they want to live in.

Updated: 16 December 2008

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This document can be made available in a variety of formats and languages on request.

1. INTRODUCTION

This document explains the Northumberland Homefinder Allocations Scheme. A partnership of the Council and Housing Providers working within Northumberland, have agreed a common housing allocation policy that will be used to allocate properties to those in housing need who are eligible to join the housing register.

A summary of this policy is available free of charge. A full copy is available for inspection by members of the public however. It is also available on the website (www.northumberlandhomefinder.org.uk); both are available in a variety of formats.

This new scheme is an open and transparent way to allocate properties. It advertises and lets homes and aims to give a more customer focused approach to the letting of social housing. Customers can see which properties are available and bid for the property they are interested in. To clearly understand their prospects for re-housing details are published enabling applicants to understand their expectancy for re-housing given their particular needs, circumstances and preferences.

The scheme has widened its choice of available accommodation by including adverts for private sector rented properties, low cost home ownership, and mobility schemes.

The Northumberland Homefinder Lettings policy will:-

- provide one access point for applicants in need of housing in Northumberland
- ensure consistency in the way in which applicants access accommodation
- improve applicants ability to move from and around Northumberland by breaking down artificial boundaries and recognising existing housing and labour markets
- Help to prevent and tackle homelessness in Northumberland.

To understand the policy it is important to describe some key principles set out in the legislative framework for allocation policies.

The legislative framework is set out in the Housing Act (1996) as amended by the Homelessness Act (2002) and the associated statutory codes of guidance. The policy is part of the "Allocation Scheme" that also includes procedures on all aspects of the allocations process that will be published separately.

All partners have agreed to adopt the legislative framework and this policy forms an "allocation scheme" described in the Act.

The legislative framework applies to the Council although it requires registered social landlords to cooperate in offering accommodation and to assist the council to discharge its statutory duties to homeless people.

An allocation includes where the Council selects a person to be a secure or introductory tenant of council housing or makes a nomination to a housing provider including registered social landlords.

The policy will be used to make nominations to other housing providers who are not partners in Northumberland Homefinder.

Where an allocation by a Registered Social landlord follows the policy it will be a nomination and meet the requirements of any quota set in any nomination agreement made with the Council.

An allocation can be made outside the allocation policy by a partner but not by the Council. This will not be a nomination.

The legislative framework requires the policy to give reasonable preference to some groups. Where this policy refers to housing need, it also means reasonable preference.

The legislative framework also restricts who can be considered as eligible to be allocated housing and allows financial resources, behaviour and local connection to be taken into account.

In the guidance to Strategic Housing Market Assessments published by Communities and local Government housing need is defined as:

“...households who lack their own housing or live in unsuitable housing and who cannot afford to meet their housing needs in the market “

The guidance also describes unsuitable housing, these are covered by the policy but we also recognise additional reasons why a property may be unsuitable.

For this policy housing need is:

“Where a household has reasonable preference and who lack their own housing or live in unsuitable housing and who cannot afford to meet their housing needs in the market “

The detail in the section on Assessing Housing Need gives information on where housing is unsuitable.

1.1 SCHEME OBJECTIVES

To develop a partnership of housing authorities and registered social landlords - and working together with private landlords wherever possible - to achieve the greatest choice and flexibility to meet housing need.

This will enable us to meet the following objectives:-

- Supporting delivery of sustainable communities
- Promote social and financial inclusion
- Ensuring more effective and efficient use of housing stock across Northumberland
- Providing accurate housing need information to inform future housing strategies & investment decisions

- Generating efficiencies in the allocation process by reducing 'void' turnaround times, reducing property offer refusals etc
- To meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) as amended by the Homelessness Act (2002)
- Preventing homelessness by providing more housing options and acknowledging the needs of vulnerable people to support them with CBL
- Promoting Equality and Diversity

The key aims of the scheme are to:

- Increase housing choice and meet housing need
- Create a single point of access to all social housing, including accredited private sector properties and low cost home ownership options in Northumberland
- Operate a common housing register
- Provide an open, fair and transparent housing allocations system that is easily understood, accessible and easy to use

We will deliver these aims by:

- Implementing Northumberland Homefinder Letting Policy using a Common Housing Register and Common Allocations policy across Northumberland
- Operating a banding scheme where applicants are placed in one of four bands according to their level of need
 - Band P for those in urgent housing need
 - Band 1 for those in high housing need
 - Band 2 for those in medium housing need
 - Band 3 for those in no housing need
- Advertising all available homes weekly
- Label each property identifying which applicants will be considered and providing property details including the property type, size, rent payable and local amenities.
- Providing easy access to the scheme for vulnerable customers and advice and support to those requiring assistance with the process
- Improving understanding and confidence in choice based lettings
- Providing applicants access to straightforward and realistic information on supply and demand, and the prospect of re-housing at every stage of the process
- Facilitating mobility regardless of tenure
- Completing and regularly updating an Equalities Impact assessment

1.2 CHOICE STATEMENT

The Northumberland Homefinder Allocations Scheme allows applicants to express their preferences in the type of property and area they wish to live, making clear their housing needs. The scheme provides a central access point for cross tenure properties to be advertised within one lettings scheme providing greater choice and a range of options to applicants seeking accommodation in Northumberland.

The Northumberland Homefinder Allocations Scheme promotes greater choice and wider housing options through a single gateway access to affordable housing through one easy to use, open and transparent process.

1.3 OUR COMMITMENT TO SUSTAINABLE COMMUNITIES

A key aim of the partnership is to create communities that are balanced, safe, inclusive and sustainable, whilst encouraging community cohesion. To achieve this aim, a proactive approach will be adopted where areas have the potential to fail. If sustainability of a particular location is threatened, the relevant partner landlord will consider all evidence, which may come in a variety of sources including sustainability assessments and the concerns coming from housing staff, residents and other key stakeholders.

It is important that the partnership has the ability to operate the policy in a way that supports the long term needs of communities to have balanced and sustainable populations. This will mean that some property adverts may be limited to a specific type of tenant, where a sensitive let is needed or where the balance in a particular area needs to be redressed. This action will only be taken in exceptional circumstances and only when there is clear and convincing evidence.

However dependant on the scale and nature of the issues, one or several properties may be advertised in this way. The relevant partner landlord will retain the evidence as to why this action is undertaken and the outcomes will be made available when the lettings results are published to ensure openness and transparency.

1.4 LOCAL LETTINGS PLANS

The Northumberland Homefinder Scheme outlines:-

- Partner landlords may draw up as an exception “local lettings schemes” where either local tenants, staff, landlords and other key stakeholders in the community have identified or recommend that such a scheme would benefit the community (the criteria for this is Appendix 1)
- The aim of the local letting scheme would be to address imbalances in the community or to ring fence new developments as a vehicle to re-house local households from properties to be demolished or converted as part of a regeneration scheme
- Each new local lettings scheme will require consultation with local residents and stakeholders, and a formal report to the council’s cabinet outlining the results of the community consultation and recommendations for the local lettings policy. Upon cabinet approval the local lettings policy will form part of Northumberland Homefinder Common Policy and will be appended to the common allocations policy and subject to a 12 monthly review
- The local lettings scheme will take into account agreed nomination rights to the local authority and any requirements outlined in a section 106 agreement
- Local lettings allocations will be formally publicised to ensure fair access to all applicants
- The Northumberland Homefinder Scheme is committed to providing high quality homes where people want to live and will continue to provide new housing developments where financial resources are available. The Scheme recognises that newly built properties that are a product of regeneration or restructure scheme may have certain restrictions placed on them when they are let for the first time. This may be dictated by targets set for the development by funder’s of the scheme and will mean that the property adverts may be targeted at specific groups of tenants e.g. where displaced residents have priority for new housing stock in a particular regeneration area. All lettings in these circumstances will be publicised to ensure openness and transparency. Appendix 1 outlines specific details in relation to the Manors Extra Care scheme in Prudhoe.

- In Northumberland there are a number of developments/communities where the properties are subject to a Section 106 Agreement. This is a legally binding agreement that was established at the time of the development of the scheme and it outlines the criteria for allocating the properties. When a Section 106 Agreement exists this will be clearly labelled on the advert and the successful applicant will be that applicant that met the criteria and registered on the Northumberland Homefinder Register

Rural Lettings Policy

Northumberland Council and the local housing associations have a number of homes available to rent in rural areas. This policy is due to the lack of affordable homes in rural locations. This policy is in place to try and keep rural village communities together by giving more preference to families with a strong local connection. This policy will be used to re-let vacant homes in rural areas outside the main towns where the landlord indicates it will be subject to the rural allocations policy.

The Council and partner landlords will allocate half of their vacancies to applicants with a local connection, for the remaining vacant properties, applicants wishing to live in the rural areas will be considered whether or not they have a parish local connection.

A rural location is defined in a Statutory Instrument and is usually where a settlement is less than 3,000 in population. The council will be responsible for maintaining and publishing a list of rural locations and typically these will be Parishes. There are some parishes that may not have sustainable settlements or affordable housing schemes and these may be grouped together for the purposes of this policy.

If no one who qualifies under a local lettings plan or rural allocation policy the property will be allocated as a general let. (See Appendix 1 section 2 for the criteria).

1.5 ADVICE, ASSISTANCE AND SUPPORT

The Northumberland Homefinder Allocations Scheme places the onus on the applicant to be proactive in identifying and bidding for property. Applicants may need advice and information to enable their successful participation in the scheme. This is particularly important when applicants first join the scheme.

For this reason a key element of the scheme is the identification of those applicants who may need advice and support, and the provision of such to ensure that applicants are aware of the realistic choices and options available to them.

This provision will also ensure that access to advice and support on any issue that may negatively affect an applicant's ability to successfully secure or maintain housing is easily attainable. An active referral can be made to appropriate organisations, with the applicant's permission, to provide the necessary advice and support enabling them to actively participate in the scheme. This includes advice on issues such as addressing rent arrears and other debt problems by accessing money advice at as early a stage as possible to prevent any barriers to accessing accommodation, identifying support need and matching up with an appropriate agency to provide advocacy and/or support to work towards achieving the life skills required to successfully maintain a tenancy, or any other advice that may be required on issues such as employment, benefits, health etc.

We will continue to ensure equality of opportunity with regard to access to and allocation of accommodation. We will regularly monitor ethnic origin and disability of applicants to ensure that they have the support available to enable them to bid for property and not be unfairly disadvantaged in any way. We can arrange translation services for those whose first language is

not English and access to services to support people with hearing and/or visual impairment; physical or mental disabilities.

Ensuring that an applicant has as few barriers as possible on the path to successful re-housing is essential, therefore early intervention with advice and support is a key theory in both underpinning this lettings policy and in preventing homelessness. A copy of the lettings policy summary will be provided to each household presenting as homeless.

To achieve this member organisations will work in partnership with other local authorities, RSL's, housing providers and voluntary organisations to meet housing need, and with support services (such as Supporting People Teams, health authorities, social services departments, police and probation services and voluntary organisations) to ensure that housing, care and support needs of vulnerable people are met.

Effective partnership working with organisations specialising in specific areas of advice, support and representation such as Citizens Advice, Shelter, Independent Debt Advice services, domestic violence support services, Mind; Mencap; Connexions; Youth Offending Team and other support organisations is also of vital importance in preventing homelessness and aiding access to social housing and subsequent tenancy sustainment.

1.6 COMMON HOUSING REGISTER

The Northumberland Homefinder Allocations Scheme has adopted a single common housing register.

This means that applicants only need complete one application form to join the housing scheme and be placed on the housing register to enable access to the full range of housing options advertised through the scheme through one single point of access.

1.7 EQUALITY

This lettings policy will not discriminate, directly or indirectly, on grounds of race, colour, ethnicity, religion, nationality, gender, marital status, sexual orientation, age, HIV status or disability and will comply with the Commission for Racial Equality's Code of Practice in Rented Housing.

The scheme will ensure that its policies and practices are non-discriminatory and will aim to promote equal opportunity.

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

The Policy will meet the requirements of appropriate Housing and Equality Legislation and guidance.

2. THE COMMON HOUSING REGISTER

2.1 WHO CAN APPLY?

All applications to join the Northumberland Homefinder Register will be considered, including council and RSL current tenants, provided that the application has been made in accordance with this scheme and in accordance with Section 166(3) of the 1996 Act. Details of which are incorporated into this lettings policy.

The Northumberland Homefinder Register is open to anyone aged 16 or over, unless they are specifically ineligible (see section 2.2 Ineligibility). However there may be limitations on ability to re-house applicants under the age of 18 with some Registered Social Landlords (RSLs) due to their internal policies on minimum age of tenants. These limitations will be clearly labelled on featured property adverts.

To apply for a property applicants must be registered on the Northumberland Homefinder Register and a housing application must be completed.

Registration does not bind the Council or any of its partners to offering the applicant a particular property or any property at all.

Application forms will be made available in a variety of convenient and accessible locations, from the offices of all partners within the scheme and will include details of how the scheme works and how to find and “bid” for a property. Support will be provided to vulnerable applicants enabling them to complete an application form as required.

Advice and information about the right to apply for accommodation is available free of charge, in accordance with Section 166(1) of the 1996 Act.

If you have arrears of rent with your current or a former landlord, have committed anti-social behaviour, or are subject to immigration control, you may not be able to access housing through this scheme according to the lettings policy. **However, you should seek advice through this scheme, so that we can try and resolve your problem wherever possible and help you to successfully join the Homefinder register and begin making bids on your properties of choice.**

You may also approach organisation(s) that are currently providing you with advice and support, details of which can be found on the website under Advice and Support Organisations

See section 1.4 of this policy for information, advice and support.

2.2 APPLICANTS NOT ELIGIBLE FOR HOUSING OR NOMINATION

Any person over 16 years of age can be registered for the Northumberland Homefinder Scheme unless s/he is:-

- People from abroad who:
 - Are not already a secure or introductory tenant, or an assured tenant of housing accommodation allocated to him/her by a local housing authority, and
 - Are ineligible because s/he is either:

- Subject to immigration control within the meaning of the Asylum and Immigration Act 1996 but not in a class prescribed by the Secretary of State, or
- In a class prescribed by the Secretary of state as ineligible;
- A person treated by the Council as ineligible because of unacceptable behaviour

The Council is additionally prohibited from allocating accommodation to two or more persons jointly if any of them is a person who is ineligible or treated as ineligible under the categories set out above. A registered social landlord can allocate to applicants from abroad who are not eligible but this is not a nomination.

2.3 APPLICANTS NOT ELIGIBLE DUE TO UNACCEPTABLE BEHAVIOUR

An applicant may be treated as ineligible if the Council is satisfied that:-:

- the applicant or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant, and
- In the circumstances at the time the application is considered, he/she is unsuitable to be a tenant by reason of that behaviour.
- For an applicant to be classed as ineligible due to unacceptable behaviour the behaviour would have had to be serious enough to have permitted the council to have obtained a 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, had the applicant been a council tenant at the time the behaviour occurred.

Applicants classed as being ineligible through unacceptable behaviour can make application for accommodation in the future if they can demonstrate a changed pattern of behaviour.

Assessment of Ineligibility – unacceptable behaviour

Appendix 2 to this policy describes the process and assessment procedure used to determine whether an applicant will be regarded as ineligible because of unacceptable behaviour and whether priority awarded to the application will be reduced.

Before an applicant is considered to be ineligible the circumstances of their case will be considered by Officers who will consider the case against the Code of Guidance, relevant Case Law and in line with the guide to ineligibility Appendix 2. Information may be sought from any agency that supports the applicant to inform the assessment.

Notification

Any applicant considered to be ineligible will be advised in writing of the reasons and what the applicant must do to improve the behaviour that would be sufficient to consider him or her to be eligible, and be given the opportunity to appeal against the decision to an appeals panel.

The onus is on the applicant, not the landlord or Council, to demonstrate in any new application that the unacceptable behaviour has ended or has improved sufficiently.

An applicant's priority may be reduced where he or a member of his household has:

- A history of rent arrears or other housing debt which affect their suitability to be a tenant determined by the seriousness of the arrears and whether this was the result of wilful behaviour
- A history of anti-social behaviour or deliberate damage to their own property or another's property

2.4 FINANCIAL RESOURCES

Owner occupiers who are adequately housed or with the resources to obtain suitable accommodation would normally not attract any preference under this scheme. However the applicant's household needs relating to vulnerability due to age or disability will be taken into account.

Applicants will be placed in the band that reflects their current housing needs where they cannot afford to buy on the open market or their age or disability requires specific accommodation.

If an applicant chooses not to, or fails to complete the questions in the application to enable an assessment of the ability to afford to purchase, then the application cannot be registered because it is incomplete (See 2.8).

If the applicant can demonstrate a good reason for not completing the financial questions, then the application will be registered and assessed in line with the applicants housing need.

2.5 APPLICATION FORM

There is one application form to join the scheme. Upon receipt of a fully completed application form and successful registration, bids can be actively made on advertised properties according to eligibility and the criteria of this scheme.

If an applicant chooses not to, or fails to complete the questions in the application to enable verification or an assessment to be made including the ability to afford to purchase, then the application cannot be registered.

2.6 JOINT APPLICATIONS

Joint applications are encouraged and can be made so long as both parties are eligible.

Joint applicants can only make one application. In the case where two sole applicants wish to become joint applicants, one of the applications must be withdrawn and the other amended to reflect the joint circumstances.

2.7 VERIFICATION

Applicants will be required to provide any reasonable information requested in connection with the application for housing at the point of application and at offer stage. This must be provided either as part of their application or upon reasonable request. Such information will be used to check the accuracy of the information provided and enable a full assessment of the application.

We may seek certain references from existing or previous landlords or relevant agencies to decide whether or not an applicant is ineligible.

2.8 CHANGES IN CIRCUMSTANCES

An applicant is required to advise the scheme of any changes in personal circumstances that affects their housing application or eligibility to remain on the housing register. Such changes may affect the priority band in which the applicant is placed.

The applicant's new circumstances will be re-assessed and the applicant placed into a priority band reflecting current housing need that may remain the same, or shift to a higher or lower band.

2.9 KEEPING THE REGISTER UP TO DATE

The housing register will be reviewed annually to ensure that every applicant on the register has their housing needs accurately recorded and are placed in the right priority band, and also that all applicants are still in need of housing and wish to remain on the register.

Those applicants who have identified, in their initial application, that they have a support need will be contacted separately in the event that they need help to complete the review form and ensuring that their application will not be unfairly cancelled due to their vulnerability.

If an applicant fails to respond to the annual review the application will be cancelled. However there will be circumstances where the application may be reinstated with the original date of application provided this is done within twelve months.

A housing application will be cancelled where the applicant:

- Accepts a council tenancy as a sole or joint tenant
- Becomes a joint tenant with an existing tenant
- Is assigned a tenancy
- Is granted a new tenancy on succession
- Accepts the tenancy of a Housing Association home by a nomination from the Council or through the Homefinder service

2.10 GIVING FALSE INFORMATION OR DELIBERATELY WITHHOLDING INFORMATION

It is an offence for anyone applying for housing to:-

- Knowingly or recklessly give false information relating to:-
 - Their application for housing;
 - Subsequent review information;
 - Other updating mechanisms e.g. change of circumstances
- Knowingly withhold information which has been reasonably requested

Appropriate action will be taken against any applicant who knowingly providing false information or as a result of a false statement provided by a person acting at the tenant's instigation. This could include taking action to recover possession of the property allocated.

2.11 APPLICANTS WHO HAVE DELIBERATELY WORSENEED THEIR LIVING CONDITIONS

The lettings policy is intended to make sure that those in most housing need are housed more quickly. Its intention is not to reward those applicants who deliberately worsen their housing circumstances to get a higher priority band.

Applicants who have worsened their housing conditions without good reason will have their priority reduced. This applies to applicants who have deliberately moved, within the last 12 months, into worse housing than their previous accommodation without good reason and as a consequence increase their chances of re-housing through the housing register.

Where it is considered that the applicant has worsened their housing conditions, they will be placed in Band 2 unless an application is assessed as being in Band 3, in which case it will remain in Band 3. The designated senior officer will assess whether the applicant has deliberately moved accommodation with the consequence of worsening their housing circumstances and with the purpose of seeking to increase their priority under the policy.

If the applicant can demonstrate 'good reason' the restriction will be removed.

2.12 NOTIFICATION OF DECISIONS AND THE RIGHT TO A STATUTORY REVIEW OF A DECISION

1. An applicant's rights

Applicants of housing have the following rights in law. The right to:

- Obtain free advice and assistance about the right to make an application for housing
- In making an application request general information about how his or her application is to be treated under the letting scheme, what preference is to be given and whether appropriate housing to meet his or her needs is likely to become available.
- Be notified in writing of any decision that preference will not be given because of unacceptable behaviour
- Request the Council to be informed of the facts of the case taken into account in deciding to allocate housing accommodation
- Request the review of a decision on reduced priority or any decision based on facts which have or have not been taken into consideration and to be informed of the decision and the reasons for it.

2. We will allow a review of any decision made under this policy.

Applicants will be provided with one right of review which must be made within 21 days of notification of the original decision. Any review is considered by a Review Panel comprising of two senior officers from organisations that are members of the scheme, independent of the original decision.

The review will be carried out in accordance with the published review procedure.

3. ASSESSING HOUSING NEED

3.1 LEGAL BACKGROUND

The scheme will meet Statutory requirements and the relevant of the Code of Guidance on allocations giving reasonable preference to:-

- Whether the applicant(s) fall into any categories to which the scheme must give reasonable preference (HA 1996 s.167(2))
- Whether the applicant(s) are entitled to any additional preference (HA 1996 s167(2))
- Whether the applicant(s) behaviour permits the scheme to give the applicant(s) any preference at all (HA 1996 s167 (2B))
- What priority the applicant(s) is/are entitled to under the scheme (HA 1996 s167 (2A))

DETERMINING PRIORITIES AND HOUSING NEED

Professional advice will be sought as necessary from Health and Social Services Departments, Voluntary and Support Agencies etc to assist with the assessment of the application.

3.2 REASONABLE PREFERENCE

The Northumberland Homefinder Lettings Policy will award reasonable preference by placement into bands P, 1 and 2 to the following applicants:

- People who are homeless within the meaning of HA 1996, Part 7 ('Homelessness');
- People who are owed a duty by any local authority under HA 1996 sections 190(2), 193(2) or 195(2) (or the equivalent duties under the Housing Act 1985), or who are occupying accommodation provided to them by a local housing authority under HA 1996 section 192(3);
- People who are occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory living conditions;
- People who need to move on medical or welfare grounds, including grounds relating to disability; (HA 2004, s223)
- People who need to move to a particular locality in Northumberland where failure to meet the need would cause hardship, to themselves or to others (HA 1996, s167(2))

3.3 ADDITIONAL PREFERENCE – URGENT AND SEVERE HOUSING NEED

We will give additional preference to applicants with an urgent and severe housing need by placing the application in the priority housing need band P in most cases.

Urgent and severe housing need will be determined having regard to all the circumstances of the applicant's case. Professional advice will be sought, as necessary from Health and Social Services Departments, Voluntary and Support Agencies etc. Urgent and severe housing need status can be used for three months, except homeless priority households owed a full housing duty in which case it is four weeks, after the date notification is given to the applicant. This may be extended having regard to the specific circumstances of the applicant and availability of accommodation within that timescale to meet the needs of the household. Assisted bidding will be offered.

Urgent and severe housing need applicants will be given priority for all advertised vacancies, unless there is a Local Lettings scheme in place or a direct let is to be made due to management reasons.

A system of banding eligible applicants in groups according to the level of their housing need is in place:

- Priority Band P for those with an urgent and severe housing need
- Band 1 for those who are in high housing need
- Band 2 for those who are in medium housing need
- Band 3 for those with no housing need

3.4 MULTIPLE NEEDS AND PREFERENCE

The reasonable preference categories must not be treated in isolation from one another. The decision to place the applicant's household in a particular band will be based on a cumulative assessment of their housing needs. This will be approved by a designated senior officer. Following the assessment, an applicant may still have their priority reduced in accordance with section 2.3.

A decision to award additional priority will be determined following an assessment that a household's needs fall into more than one reasonable preference category. This will be assessed by the completion of a multiple needs assessment form authorised by a designated senior officer. This section will not apply to applicants who have had their priority reduced see section 2.4 in which case they will remain in Band 2 or 3.

Multiple needs assessment

This assessment will be conducted where the applicant's housing needs falls into more than one reasonable preference category.

With regard to homelessness, a determination by a designated officer will be required before a multiple needs assessment can be completed.

The applicant is required to meet a minimum of one of the individual criteria within each reasonable preference group. Multiple criteria, where an applicant meets more than one criterion within one reasonable preference group will be regarded as meeting only that reasonable preference group.

3.5 LOCAL CONNECTION

Applicants will be assessed by an officer whether they have a local connection to Northumberland if they fit one or more of the following categories;

- The applicant or a person who might reasonably be expected to reside with the applicant is, normally resident in Northumberland and have lived there for 6 out of the past 12 months or 3 out of the past 5 years
- The applicant previously lived in Northumberland and lived there for 5 years or longer
- The applicant or a person who might reasonably be expected to reside with the applicant is at present employed in Northumberland. The local authority should obtain confirmation from the employer that the person is in employment and that the employment is not of a casual nature. Applicants will only be considered to have a local connection in these circumstances, if it is unreasonable to expect them to commute to their place of work from their existing home
- The applicant or a person who might reasonably be expected to reside with the applicant has close family connection to Northumberland. A close family connection is defined as parent, child, grandparent, grandchild or sibling who has lived in Northumberland for 6 out of the past 12 months or 3 out of the past 5 years
- Only in exceptional circumstances would the residence of relatives other than those listed above be taken to establish a local connection. The residence of dependent children in a different district from their parents would not be residence of their own choice and therefore would not establish a local connection with Northumberland
- There are special circumstances which the authority may consider to establish a local connection with Northumberland. This may be particularly relevant where the applicant has been in prison or hospital and his or her circumstances do not conform to the criteria above. Where, for example, an applicant seeks to return to Northumberland where he or she was brought up or lived for a considerable length of time in the past, there may be grounds for considering that the applicant has a local connection with Northumberland because of special circumstances. The Northumberland Homefinder will need to exercise its discretion when considering whether special circumstances apply
- The applicant is leaving HM armed forces and has a local connection under any of the above criteria

The scheme will take into account an applicant's local connection within Northumberland when determining relative priorities within the reasonable preference categories (Bands P, 1 and 2). However where the council has a statutory duty to re-house local connection criteria may not be required.

This means that an applicant who falls within one of reasonable preference categories, but who does not have a local connection with Northumberland, will be given less priority than an applicant that falls within one of the reasonable preference categories but who does have a local connection with Northumberland.

However, the former (i.e. the applicant who will be given reasonable preference but has no local connection with Northumberland) will be given greater priority under the scheme than an applicant who does have a local connection but who is not required to be given reasonable preference.

An applicant who has no local connection and no identified housing need at all will be given no priority under the scheme.

As there is a recognised high demand for social housing in Northumberland, the scheme will not be able to assist everyone with fulfilling their housing requirements and therefore offers advice to applicants to discuss housing need in detail. This will include advice on the range of housing options that may be available See section 4.1 housing advice and support.

3.6 HOMELESS PRIORITY AND OTHER STATUTORY DUTY TO RE-HOUSE

Homeless priority will be determined by an officer and where the council accepts a duty to provide secure accommodation, under the Housing Act 1996 s 193(2) and 195(2) or other statutory duties a time-limited priority of 4 weeks applies. If no suitable properties have been available to bid for during this period it will be reviewed for a further four weeks. Assisted bidding will be offered to all applicants to enable them to receive an early offer, acknowledging their choice of area and accommodation. At the end of their time-limited priority and where they have not been successful in securing suitable accommodation, or suitable accommodation which meets their household's needs has not been advertised then one offer of suitable accommodation will be made, as a direct offer, which will be regarded as discharging the Council's duty under s 206(1) of the Housing Act 1996. Applicants will be advised of the consequences of refusal and of their right to request a review of the suitability of the accommodation.

However, a refusal of suitable accommodation after viewing the property will be considered as a suitable offer and will be regarded as discharging the council's duty under s 206(1) of the Housing Act 1996.

See Appendix 3 for examples of suitable accommodation.

3.7 THE PRIORITY BANDS

All applicants who have expressed an interest in a property will be considered. Preference will be given, in the following order, to:

Band	Category
P	Homeless Full Housing Duty
	Statutory duty to re-house
	Demolition and regeneration cases (decants),
	Compulsory Purchase Order
	High medical need
	High welfare need
	Severe hardship
	Supported Housing Move On
	Statutorily overcrowded
	Severe disrepair

B 1	Homeless not in priority need
	Preventing homelessness
	Medium medical need
	Medium welfare need
	Severe Overcrowded
	Insecure Accommodation
	Under occupation
	Medium disrepair / lacking facilities
	Medium hardship
B 2	Intentionally homeless
	Medical need
	Welfare need
	Sharing facilities
	Overcrowded
	Hardship
	Key worker
	Tied accommodation
	No Local connection (Housing Need)
B 3	No housing need

3.8 BAND P

Applicants who are deemed to be in urgent housing need will receive additional preference.

Determination of priority of need will be made by a panel of a minimum of two officers at least one of whom must be a senior officer. All the circumstances of the case will be considered and professional statutory and voluntary agencies may be called on to provide evidence to confirm the applicant's particular needs.

Eligible applicants assessed as having an urgent need for accommodation will have the priority awarded for a maximum time-limited period of 3 months, except for applicants who are homeless or are threatened with homelessness *where* the priority is time limited to 4 weeks (with the opportunity to receive assisted bidding).

Applicants awarded Priority Band status, other than applicants accepted as statutory homeless, are provided with 3 month time limited priority, after which it will usually be removed.

An extension of time-limited priority may be authorised where:

- The applicant has been active in expressing an interest in appropriate properties but:
 - No suitable accommodation has become available
 - Have not come top of the list for any specific properties for which they have expressed an interest
- Personal circumstances have prevented them being pro active e.g. after effects of threats of or actual violence or because of severe health reasons
- The applicant could not reasonably be expected to understand what he or she was expected to do under the scheme or
- The applicant was incapable of accessing the scheme, without advice and assistance and this was not available

An extension of time-limited priority will not usually be authorised in any other circumstances.

Applicants who satisfy one of the following criteria will be given additional preference

P:1. Homeless households who are owed a full housing duty

- Households who are owed a full housing duty under section, 193(2) (in priority need and unintentionally homeless or 195(2) (in priority need and unintentionally threatened with homelessness) (or under section 65(2) or 68(2) of the Housing Act 1985) of the Housing Act 1996 or

P. 2 Where there is a Statutory Duty to house someone not specified below.

P.3 Where the duty to house someone arises from demolition of property or a need to decant someone for regeneration. That means applicants whose home falls within a demolition or regeneration scheme as agreed by the Head of Housing who require provision of suitable alternative accommodation.

This includes council tenants, registered social landlords tenants, private tenants and owner occupiers living within the boundary of a defined regeneration area who are required to move.

P.4 Where the duty to house is because of a Compulsory Possession Order.

P.5 People who need to move on medical grounds for one of the following reasons (as outlined within the Code of Guidance Annex 3).

There is a severe long-term limiting illness, whether physical or mental, or permanent and substantial disability where an urgent and immediate move is necessary because there is an immediate or substantial risk to life in their current home and adaptation is not practical or existing adaptations are no longer effective. Or it is impossible for the applicant to live in their current home and adaptation is not practical or existing adaptations are no longer effective.

- P.6 The applicant is in hospital or residential care, awaiting discharge to a suitable home and the present home is unsafe or discharge is prevented by their housing situation.
- There is a strong likelihood of a child being accommodated by the local authority if re-housing is not made and this is confirmed by a social care professional.
- There is a strong likelihood of admission to residential care of an applicant or member of his household if re-housing is not made.
- A Children Act referral that requires an urgent and immediate move.
- Applicants with a diagnosed mental health condition and the applicant is living in conditions which are contributing to a critical deterioration in their mental health and there is a serious risk of committing suicide or harm to themselves or other people in their present accommodation.
- P.7 People who need an urgent and immediate move to avoid hardship including:
- (included above in P2 – Code of Guidance list)
 - Witnesses of crime who are on witness protection and immediate or urgent re-housing is confirmed by the National Witness Mobility Scheme
- P.8 Where an applicant is in Supported Housing and has been assessed and is ready for independent living and they are occupying a space that is required for another person in need of that support.
- P.9 The household being statutorily overcrowded in their current home. See section 3.12.
- P.10 The applicant is living in unsanitary, overcrowded, or unsatisfactory housing conditions by virtue of applicants living in accommodation judged to be prejudicial to health as defined by the Environmental Protection Act. Or category 1 under the Housing Health and Safety Rating System Regulations, where it is agreed by the Council's Environmental Health Service that the most appropriate course of action is to re-house the household and they are unable to afford to remedy the problem or they are vulnerable

3.9 BAND 1

B1.1 Homeless not in priority need

Homeless, as defined under Part VII of the Housing Act 1996, but are not owed a full statutory duty to secure accommodation by the Council but does not include those who are intentionally homeless. This includes households that are unintentionally homeless but not in priority need and are occupying accommodation secured under section 192(3) of the Housing Act 1996.

B1.2 Preventing Homelessness

Occupying an assured short hold tenancy and a valid Possession Notice under section 21 of the 1988 Housing Act has been served by the landlord to terminate the tenancy at the end of the fixed term and would not be determined to be intentionally homeless.

Preventing homelessness where homelessness has been assessed as being inevitable and not intentional.

B1.3 People who need to move on medium medical grounds where their quality of life or health is severely affected by the accommodation occupied.

The applicant or a member of the household or for whom the applicant provides care has a severe long term limiting illness or permanent and substantial disability where their quality of life or health is severely affected by the accommodation occupied or by the place in which they live and re-housing will alleviate this situation but an immediate need to move not indicated.. An established medical need must be demonstrated such as mental illness or disorder, physical or learning disability, progressive or chronic medical condition.

Examples include but are not limited to:

Someone is housebound or cannot reasonably access the essential facilities in their home and adaptation to the home is not possible.

There are serious concerns about safety for example through risk of falling due to difficulties with access and adaptation to the home is not possible.

The current home does not reasonably allow essential health treatment to be carried out e.g. renal dialysis and adaptation to the home is not possible. Applicants with a diagnosed mental health condition and the applicant is living in conditions which are contributing to a deterioration in their mental health where a move would prevent deterioration, relapse or exacerbation in their mental health.

B1.4 People who need to move on medium welfare grounds

Their quality of life is severely affected by the accommodation occupied or by the place in which they live and re-housing will alleviate this situation but an immediate need to move not indicated.

Examples include but are not limited to

- The ability to live in the community is at risk without suitable accommodation

B1.5 People living in Severe Overcrowded conditions which means:

The household being overcrowding according to the bedroom standard and the applicant requires 2 or more bedrooms more than they currently have.

B1.6 People living in insecure accommodation

Occupying temporary insecure accommodation in non-secure tenancies or on licence agreements (and do not have title to an owner occupied home or a secure or assured tenancy) and where a valid notice to quit has been served and would not be determined to be intentionally homeless. This includes people living in with relatives, in supported housing, accommodation provided as a condition of employment such as those in HM Forces, licensed premises, caretakers or wardens (not within this scheme as they would be in tied accommodation – would likely be a management move), hostel or bed & breakfast.

B1.7 Under occupation

If an applicant is occupying social housing within Northumberland an existing social housing tenant and is under occupying their home by at least one bedroom and they are prepared to take a smaller home that they are eligible for under the Northumberland Homefinder letting criteria and that;

- Would create a vacancy that meets an identified need
- the rent account is clear and there are no outstanding housing related debts
- there have been no breaches of tenancy, including ongoing investigations for anti-social behaviour

B1.8 People living in medium disrepair / lacking facilities lacking (not sharing) a bathroom, kitchen or inside toilet.

The applicant is living in unsanitary or overcrowded or unsatisfactory housing conditions by virtue where it is agreed by the Councils Environmental Health Service that the most appropriate course of action is to re-house the household and they are unable to afford to remedy the problem or they are vulnerable but there is not an urgent or immediate need to move.

B1.9 People who need to move to avoid medium hardship

They need to move to be nearer to a specialist educational or support facility within a certain location within Northumberland and the move will considerably improve quality of life or health.

It would relieve the hardship of a family member, where that person has no other family support in the locality, which without the applicant moving would be eligible to be awarded Priority Band status. The assessment is made according to the definition of medical and welfare need in the criteria in Priority Band: 1 above.

They are suffering from the effects of anti-social behaviour that is severely affecting their health and quality of life.

Young people aged 16 or 17 who are being supported by Social Services – Leaving Care Team or who are considered to be vulnerable by a recognised care or support professional and an appropriate care or support service is in place.

3.10 BAND 2

B2:1 People who are intentionally homeless

Applicants who are homeless or threatened with homelessness as defined under Part VII of the Housing Act 1996, are not owed a duty to secure accommodation by the Council and who are determined to be intentionally homeless. This includes households that are intentionally homeless, in priority need, and are occupying accommodation secured under section 190(2) of the Housing Act 1996.

B2:2 People who need to move on medical grounds.

The applicant or a member of his household has a medical need that could be eased or improved by re-housing but the severity is not so great as to merit placement in Band 1. Short term or minor medical conditions will not be regarded as satisfying a medical need for the purposes of this criterion.

B2:3 People who need to move on welfare grounds

The applicant or a member of the household needs to be nearer a family member living in a certain area within Northumberland and the move will improve their quality of life

B2.4 The applicant is sharing kitchen, toilet and bathing facilities with someone not part of the applicant's household.

B2.5 Overcrowding and the applicant require 1 bedroom more than they have.

B2.6 People who need to move to avoid hardship.

It would relieve the hardship of a family member, where that person has no other family support in the locality, and who without the applicant moving would be eligible to be awarded Band 1 status. The assessment is made according to the definition of medical and welfare need in the criteria under Band 1:2 above.

A household is suffering financial hardship because their accommodation is not affordable as defined in the Councils Housing Strategy.

Relationship breakdown or divorced partners with shared parental responsibility with overnight staying contact.

People following a relationship breakdown and others who have shared access to children who are occupying accommodation which is insufficient for looking after the children

B2.7 The applicant or a member of the household is a key worker needs to move to a part of Northumberland to be nearer employment provided within the County boundaries.

B2.8 KEY WORKERS

A key worker is someone whose employment vital to meet the objective of sustaining local communities.

A key worker qualifies as needing to move if their employer can demonstrate that they are unable to recruit someone from the locality or someone who cannot reasonably travel to their place of work. The Council will consider typical travel to work patterns and individual circumstances when assessing travel.

Key workers who can afford to secure accommodation as defined in the Councils Housing Strategy will normally not have a need for social rented housing but will be assessed for low cost or shared ownership options or key worker housing schemes.

Where a key worker is able to afford housing but is requesting accommodation for a period to allow the applicant time to secure their own accommodation. The Council will consider an allocation of accommodation that may not be a secure or assured tenancy, if the employer can demonstrate that they are unable to make alternative arrangements Decisions on whether an applicant is a key worker or is in need or may be allocated to particular tenures or schemes will be made by a designated senior officer.

B2.9 People in "tied" accommodation within Northumberland.

People who have accommodation provided as part of their terms of employment. For example, resident sheltered housing wardens or school caretakers. The letting

agreement or employment contract must state that the accommodation will end when the employment ends.

B3.0 Households in housing need who do not have a local connection to Northumberland.

3.11 BAND 3

Applications will be placed in Band 3 if they do not meet any of the criteria for Priority Band P, Band 1, and Band 2.

3.12 OVERCROWDING

Statutory overcrowding is set out under Part 10 of the Housing Act 1985. Where this criteria is met, applicants will be placed in band P. For all other situations of overcrowding the application will be assessed in accordance with the following criteria. The bedroom standard determines that a separate bedroom is allocated to:

- A couple (of either sex)
- Any persons in the household aged 16 years or over
- Two children up to the age of 15 of the same sex
- Two children aged under 10 regardless of sex
- Any unpaired child.

A notional number of bedrooms is calculated and compared with the number of bedrooms available for the sole use of the household.

The number of bedrooms that the household is deficient then determines the priority to be awarded on the following scale:

Band 1 – 2 or more bedrooms deficient

Band 2 – 1 bedroom deficient

3.13 UNDEROCCUPATION

There are some instances when partner landlords need to maximise the best use of their property therefore if an applicant is occupying social housing within Northumberland an existing social housing tenant and is under occupying their home by at least one bedroom and they are prepared to take a smaller home that they are eligible for under the Northumberland Homefinder letting criteria and that;

- Would create a vacancy that meets an identified need
- The rent account is clear and there are no outstanding housing related debts
- There have been no breaches of tenancy, including ongoing investigations for anti-social behaviour

3.14 FOR WHICH TYPE OF PROPERTY AN APPLICANT CAN BE CONSIDERED FOR.

When a vacancy occurs, the property will be allocated in accordance with the published property lettings criteria section 3.143.

We will consider the size and type of the property and the size and type of the household so that:

- Statutory Overcrowding will not take place, and
- To ensure that the best use is made of the housing stock

3.141 FINANCIAL HARDSHIP

An assessment will be carried out by an officer to determine financial hardship in accordance with the procedure. This may result in the applicant being placed in band 2.

3.142 HOUSEHOLD CRITERIA

The following will apply to household criteria:

- A child is a person aged under 16 unless that person is the applicant or a joint applicant
- A couple is two people living together as spouses or partners of either sex including civil partners
- A single parent household is entitled to the same size accommodation as a two parent household with the same number of children
- Households that include a pregnant woman are assessed as if the baby has already been born(i.e. the unborn baby is counted as a child)
- An older person is defined as someone who is 60 years of age or over
- For older couples, only one of the partners has to meet the age requirement
- Households who have staying contact arrangements with children but with whom the children do not reside on a permanent basis will be treated on the same basis as other households with children. There is no requirement for these children to spend a minimum number of nights with the applicant as long as staying contact is established. Contact arrangements apply to children under the age of 16.
- Households with a disability refers to households where at least one of the members has a medical or mobility need that they require an adapted property to meet those needs
- A Family is a single person or couple with children including children over the age of 16 which may also include other adults.

3.143 PROPERTY LETTING CRITERIA

The aspiration of Northumberland Homefinder in letting homes will be to match household requirements with property type. Some properties will be designated for a particular use, for example older persons, those with medical needs or a property adapted for the disabled. The property letting criteria will be agreed by the Northumberland Homefinder partners and will be published separately. There may be occasions where households require larger properties to accommodate carers, equipment or other facilities. .

Sheltered housing is normally allocated to people aged over 60 and then to people who are assessed as needing sheltered accommodation. Eligible single people can bid for larger sheltered housing flats but couples will be given preference.

Some properties can be designated for people with disabilities or needs requiring level access accommodation, however if there is no demand they can be let to general needs applicants.

Houses are normally let to families and a family is defined in the household criteria and their bedroom requirements are defined in the overcrowding criteria.

3.15 MAKING DIRECT OFFERS WITHOUT ADVERTISING – DIRECT LETTING

Under certain circumstances, it would be necessary to make a direct allocation and the property would not be let under Northumberland Homefinder:

- Where section 3.6 applies (homeless discharge of duty)
- Where there is exceptional circumstances where urgent and immediate housing is required
- Where an emergency plan has been activated
- Where it is not a local authority nomination and the partner landlord has a separate policy describing direct allocations

In order to be a nomination, direct allocation has to be approved by a designated officer.

If a reasonable offer of suitable accommodation is refused the decision to make a further direct allocation will be reviewed.

4. The Northumberland Homefinder Choice Based Lettings Scheme

4.1 ADVERTISING PROPERTIES ON THE CHOICE BASED LETTINGS SCHEME

Northumberland Homefinder works by allowing applicants to express an interest in available properties which are advertised each week through a variety of accessible means.

Feedback will be published respecting confidentiality showing how properties have been let.

4.2 PLACING A BID

Application for accommodation will involve what is essentially a two stage process of first making the application to join the common housing register. Upon successful acceptance onto the scheme, the applicant is then required to bid thereby expressing an interest for any properties of interest. To be considered for a property it should meet the needs of the household.

This process allows for a simplified process in first determining priority, and then if necessary a more detailed look at relative priority between short listed applicants once bids have been submitted using the mechanisms described in this policy.

Placing a bid on a property does not involve the use of money, it simply means to 'express an interest' in a property, including the methods below received within the prescribed bidding cycle:

- Internet
- Telephone
- In person at a housing office
- Through an advocate or support worker
- Through automated means in cases requiring a high level of support
- SMS text messaging
- Via post
- Email

4.3 AVAILABLE PROPERTY ADVERTS

Clear information is included in property adverts to enable applicants to make an informed decision on whether that property meets their housing need including:

- Gross rent and service charges
- Suitability of a property
- Location
- Property type (flat, bungalow etc)
- Property size (number of bedrooms etc)
- Heating type
- Garden or not
- Council tax band
- Local amenities
- Age restrictions (e.g. sheltered housing and bungalows)
- Energy Efficiency Rating (provided from Energy Performance Certificates)
- Purchase price (when and where applicable)

Advertisements use symbols to indicate this information as far as possible to improve access and understanding to a wider audience.

4.4 BID CYCLE

Available properties will be advertised weekly.

An applicant can bid for properties during each weekly advertising cycle. All property adverts will clearly state the deadline by which bids for those properties must be received. Bids received after the specific deadline will not be considered under any circumstances.

The applicant will be informed of their position of the bid at the time they bid, together with the total number of bids against that property. This enables applicants to see what chance they have of being successful when placing bids against properties they are interested in.

4.5 SHORT-LISTING AND SELECTION

At the end of the advertising period, applicants who have bid for an advertised home will be short listed in accordance with the Common Allocations Policy and the qualifying criteria for that property. The successful applicant for each property will be the one who qualifies for the property, in the highest band and with the earliest registration date.

If there is more than one applicant within each band, the property will be offered in this order:

- Band P – the applicant who has been awarded the priority status for the longer period (i.e. the earliest date). If more than one applicant shares the same date, further priority will be given to the applicant who has been on the housing register the longest (i.e. with the earliest date of registration)
- Bands 1, 2, and 3 – the applicant who has been on the housing register the longest (i.e. with the earliest date of registration)

In order to be as objective as possible, the scheme uses date of registration of the application as the selection criteria. The date of registration will be the date that the application is accepted onto the scheme.

This scheme will allow for greater priority to be given to those applicants in the reasonable preference categories who have been assessed as having 'cumulative' or 'multiple' needs.

If an applicant is ranked first for more than one property and all criteria are met the applicant will be contacted to decide which property they desire. If the applicant can not be contacted within one working day to determine this choice the offer will be made on the first property bid on.

4.6 VIEWING PROPERTIES AND RECEIVING OFFERS

When an applicant has been short-listed or selected for an offer the landlord will make arrangements to visit the applicant in their home (where appropriate) or arrange to have the

necessary reference checks supplied to confirm their present circumstances. Verification checks in line with section 2.8 of this policy will be conducted.

An offer of accommodation may be withdrawn if there is a reason to believe that the applicant's circumstances are different to those initially declared on their application in this instance the application will need to be subject to a further assessment in line with the requirements of the policy.

If a reasonable offer of suitable accommodation is refused the decision to make a further direct allocation will be reviewed.

4.7 TIME ALLOWED FOR ACCEPTING AN OFFER

Applicants will be allowed up to 1 working day after viewing a property to make a decision about accepting the property. If there are justified reasons, for example due to a vulnerability or support need, the landlord may decide to allow a longer decision time. All individual and household circumstances will be taken into account when making this decision.

4.8 FEEDBACK

Details of advertised properties that have been let will be provided on the website; in the press; on the property advertisement page; in the next bidding cycle; or by contacting the scheme for advice from an Officer. This information may enable applicants to assess the likelihood of their bid being successful in the future, or how long it may take for them to receive an offer.

This is important in assisting applicants to make informed decisions on future bidding and the potential consideration of alternative housing options as required.

The following information will be included:

- The property type and neighbourhood
- The total number of bids made for the property
- The successful applicants band/registration date and /or priority date

The scheme will never include any personal details of successful applicants in the feedback.

This feedback is important to applicants as it will help applicants to identify which property types and areas are most popular and so where their best chances are of making a successful bid. It will also allow applicants the knowledge to decide whether they would be better served by pursuing one of the alternatives options to social housing that will be promoted through the scheme.

4.9 SUPPORT FOR VULNERABLE APPLICANTS.

An application form includes a number of crucial questions on personal circumstances and housing need. To ensure that the most vulnerable households are not disadvantaged by the requirement to provide this information, free advice assistance and support will be provided

by all member partners/landlords. A variety of stakeholder organisations in the public and voluntary sectors (e.g. CAB, youth organisations, libraries, etc) will be available to anyone likely to have difficulty in making an application to the scheme.

Those who may require advice and support may include applicants

- Whose first language is not English
- With literacy problems
- with sensory impairment
- Young people
- Older people
- With learning difficulties
- Who lead chaotic lifestyles such as those who misuse drugs or alcohol
- with mental health problems
- Currently undergoing crisis in their lives for whom housing may be just one of many problems such as victims of domestic violence, those who are socially excluded or rough sleepers
- Who are part of the gypsy and traveller community
- Vulnerable young people

This list is not exhaustive but provides a useful example of those who may require additional support to participate with this scheme, and to what extent support is needed.

Partners in this scheme will work together to ensure that appropriate assistance is provided to all those in need and may provide this support itself, or through partnership working with social services, voluntary sector agencies, or advocates for example. This partnership approach is fundamental to the success of the schemes, aims to be open, understandable and easy to access and use.

The scheme will not unduly influence an applicant's choice of accommodation in providing advice or support.

The Scheme will hold an "assisted applicants" list. This will be for applicants who due to their vulnerability require additional help with participating in the scheme. This additional help could be, for example, helping customers bid for available homes, or sending the property brochures directly to people who cannot access the information in any other way.

To ensure vulnerable groups are not disadvantaged under the scheme a full monitoring system is in place to ensure all groups are accessing and using the scheme successfully. This monitoring tool will identify access/frequency/trends etc in participation and bidding of properties. It will assist managers to take the necessary action in improving (if necessary) ways to access the scheme by vulnerable groups.

4.10 INFORMATION, ADVICE AND ASSISTANCE

Free advice and assistance in completing an application form, or on any aspect of the scheme is available to any person or persons, particularly those likely to find it difficult to make an application, by contacting your local housing provider.

4.11 NOMINATIONS

The Registered Social Landlords within Northumberland are expected to be participating members of the scheme, in order to achieve their nomination quota. This will enable greater choice of accommodation to be made to people who want to live in Northumberland and

RSLs to meet their responsibilities by providing support to local authorities to meet the needs of vulnerable groups.

4.12 RESTRICTING CHOICE

Applicants who are assessed as being high-risk offenders could have their choice of accommodation restricted making use of the multi agency approach.

4.13 HOUSING WITH CARE SCHEMES

Properties that provide extra care facilities under the Supporting people programme will be advertised as part of the scheme. Properties will be allocated in conjunction with a full assessment by the relevant professionals outside of this policy who will match qualifying applicants who meet their eligibility criteria following detailed assessment into their housing needs by service providers.

Sheltered Housing Schemes

Applicants for sheltered housing must be aged 60 or over or have a need for sheltered accommodation due to vulnerability or disability.

4.14 FUTURE DEVELOPMENT OF THE SCHEME

The Northumberland Homefinder Allocations Scheme will be available to all applicants qualifying to join the scheme, and will incorporate as far as possible all available accommodation from the partner housing providers in order to deliver a scheme which is as open, fair and transparent as possible.

The partnership is committed to continually review its practises and procedures associated with this policy, to ensure a consistent and joined up strategic approach to the delivery of a first class lettings service for Northumberland.

Accredited private landlord property will be included within the scheme as properties are assessed and approved alongside prescribed property and management standards.

4.15 PROPERTY OF THE WEEK

If a property has been advertised at least once and there have been no bids from suitable applicants, the property may be advertised again as "Property of the Week". The vacant homes can then be offered to the first applicant who meets the property criteria regardless of which band they are placed in. The criteria can be relaxed where no applicant meets the set criteria.

4.16 MONITORING

There will be a monitoring process in place to monitor various aspects of the scheme within Northumberland Council. This will be to ensure that the scheme is operating in the most effective way and that any issues are identified and addressed as early as possible.

4.17 POLICY REVIEW

The Northumberland Homefinder Allocations Scheme is to be reviewed initially within the first 12 months of operation, to ensure that the policy meets its stated objectives and complies with legislative changes. Any changes to the Common Allocation Policy that are to be implemented will only be done so after the required consultation has been undertaken

and prior notice to members/partners and the majority agreement amongst the partner landlords.

Acknowledgements:

This document has given consideration to the following:

Housing Act 1996, Part VI

Homelessness Act 2002

Allocation of Accommodation: Choice Based Lettings - Code of Guidance for local housing authorities 2002 and 2008(CLG)

Implementing and Developing Choice Based lettings – A Guide to Key Issues (ODPM)

Audit Commission's Key Lines of Enquiry – Allocations

Compliance with equal opportunity & diversity policies/good practice guides

CRE code of practice – housing

Links to other strategies e.g. homeless prevention, reducing no's in temporary, ASB accommodation

Blyth Valley Housing Homefinder Lettings Policy (13th September 2007)

Shelter recommendations (Blyth Valley Council's exclusion policy)

A Question of Choice – Good practice and issues in choice based lettings (Shelter)

- Shelter's investigation into exclusions – Tyne & Wear
- Housing Allocation and Homelessness (Sweet & Maxwell)
- Tees Valley Sub regional CBL Draft policy Nov 2007

GLOSSARY OF TERMS

ALMO – Arms Length Management Organisation	An organisation set up by the Council to manage and improve all or part of its housing stock
Bands P,1,2,3	The four categories of housing need which make up the priority system. These are used to tell between and place in order housing register applications
Bidding	Also known as ‘expressing an interest’ in an advertised property. There is no money involved in this form of ‘bidding’
Common Allocation Policy	A shared policy which outlines how properties are advertised and let. This provides a consistent approach to letting property by all landlords involved in the sub regional CBL scheme
Common Housing Register	A shared housing list of all applicants that have registered onto the Northumberland Sub Regional scheme
Common Travel Area	A passport free zone. The area’s internal borders are subject to minimal or non existent border controls
Express an interest	To note an interest in an advertised property. Also known as ‘bidding’
Northumberland Homefinder	The Brand name of the Northumberland Allocations Scheme
Home seeker	A person who is looking for a home
LSVT – Large Scale Voluntary Transfer	The process by which a council transfers the ownership and management of its housing stock to a not-for-profit Registered Social Landlord following a ballot of all tenants. The new landlord takes over responsibility for managing properties, rents, repairs, maintenance etc
Priority date	The date when the applicant was given additional priority. This is a later date than the application registration date
Reasonable Preference Category	The phrase used in the Housing Act that describes housing need that should be given priority in a local authority’s allocations policy
RSL – Registered Social Landlord	A housing association or housing company registered with the Housing Corporation
Sub-regional Partnership	A group of local authority areas working together within a defined area. In this case the Northumberland sub region

Appendix 1

1. Local Lettings Plan Letting Criteria

Criteria for adopting a local lettings plan

- There must be a case prepared to adopt a Local Lettings Plan
- The need for a local lettings plan can be identified from local residents, officers of the council, local housing landlords, key stakeholders within the community, elected members
- Full consultation with all key stakeholders, residents must take place
- A report must be considered and agreed by the Council to implement a local lettings plan
- A local lettings plan can be implemented for a variety of reasons that may meet the local community needs and demands

1. Criteria for a Rural Allocations Policy

Priority will be given to applicants according to the following:

A close rural connection meaning:

- Lived in the parish for 10 years or more up to the age of 16

Or

- Been living in the Parish continually for at least 5 years prior to the date of selection for an offer

Or

- Been in continuous full or part-time work(excluding seasonal work) in the parish for at least the last 5 years prior to the date of selection for an offer (part-time work means a minimum of 16 hours per week)

Or

- Lived continuously in the parish for at least 5 years prior to being accepted as homeless but have been placed in temporary accommodation outside of the parish for up to five years

Appendix 2 Ineligibility Criteria

Eligibility/Ineligibility for housing

1. Introduction

1.1 This document is an annex to and supports the Northumberland Homefinder Common allocations policy to provide the process of assessing risk of housing applicants and determining eligibility for the Common housing register. It covers legal requirements, the policy adopted by Northumberland Homefinder Project Board and continued with the introduction of the new Council, and process and procedures to be followed.

The guidance supplements, and does not replace, the guidance contained in *“Allocation of accommodation – Code of guidance for local housing authorities”*.

2. Policy Objectives

2.1 The aims of this policy are to ensure that:

- Individuals are able to have ‘ordinary peaceful enjoyment’ of their homes
- Safe and stable communities are maintained
- Where possible, to minimise the risk of anti social behaviour
- Blanket exclusion policies are avoided and an individual assessment takes place
- Consistency in decisions on ineligibility is provided

3. What is Ineligibility?

3.1 Northumberland Council operates a common housing register. People who are seeking a home must apply to join the register. A person can be excluded from joining the register because of unacceptable behaviour.

3.2 The Housing Act 1996 (as amended by the Homelessness act 2002) supported by *“Allocation of accommodation – Code of guidance for local housing authorities” Chapter 4 Eligibility for an allocation of accommodation* specifies the circumstances in which an applicant can be regarded as ineligible for an allocation of housing and therefore can be excluded from the housing register:

- **Applicants from the European Community.** Applicants from the European Community maybe eligible on confirmation of their status (see Appendix 3)
- **Persons subject to immigration control.** Persons from abroad who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996. However the government have described classes of persons who are subject to immigration control but are to be regarded as being eligible
- **Unacceptable behaviour** is behaviour which would, if the applicant had been a secure tenant have entitled the landlord to a possession order under the grounds for possession contained within the Housing Act 1985 s 84 which are largely grounds based on the tenant’s fault such as arrears, nuisance, using property for immoral or illegal purposes

3.3 Policies that promote blanket exclusion from the housing register are unlawful.

4. Ineligibility due to unacceptable behaviour

4.1 Ineligible because of unacceptable behaviour – legal requirements

The Council may treat an applicant as ineligible if satisfied that:

- The applicant or a member of the applicant's household has been guilty of unacceptable behaviour,
- The behaviour is serious enough to make the applicant unsuitable to be a tenant of the participating landlord, and
- In the circumstances at the time the application is considered, the applicant is unsuitable to be a tenant of the participating landlord by reason of that behaviour.

The Code of Guidance requires a three-stage test, which must be met before ineligibility can be determined.

- **Is the behaviour unacceptable?** The landlord must be satisfied that the behaviour is unacceptable and is related to the applicant or a member of his household.
- **Is the unacceptable behaviour serious enough to make the applicant unsuitable as a secure tenant of the landlord?** In practice this means we need to be satisfied any possession order granted for unacceptable behaviour would not be postponed and as if it applies to secure tenancies.
- **Is the behaviour current and has it improved?** The behaviour must be considered within the circumstances of the application and at the time of the application. Previous unacceptable behaviour that has been shown to have improved may not be sufficient to consider the applicant as being unsuitable as a tenant and therefore ineligibility cannot apply. Behaviour of an ex-partner who is no longer a member of the applicant's household at the time cannot be taken into account

We also feel it is important to recognise steps taken to address previously unacceptable behaviour.

Recent good behaviour, for instance in improving previous bad behaviour for example by clearing or reducing rent arrears or is demonstrated by engaging and complying with a rehabilitation or support programme such as a drug treatment and testing order, would be evidence to indicate changed and improved behaviour which may be sufficient to make them eligible for the register. Evidence would be required from a landlord or a support worker to confirm improved behaviour.

4.2 Notification & Review

Applicants must be notified of the decision on ineligibility and the reasons for it. They must be provided to exercise their right to request a review of the decision within a reasonable period identified as being within 21 days of notification of the decision.

Any review is considered by a Review Panel comprising of one senior officer and another officer independent of the original decision, from housing providers that are members of the scheme,

The ineligible applicant in the notification letter will be advised of the requirements that need to be demonstrated before an applicant can be re-admitted onto the housing register.

The applicant has a right to appeal to the Council's Regulatory Panel within 21 days but only where:

- Due process in the lettings policy has not been followed
- Officers have acted irrationally

An information leaflet will be provided to all applicants containing details of the advice agencies from which independent advice can be obtained.

4.3 **Eligibility Panel**

The panel will comprise a minimum of two officers. They will:

- Consider the evidence provided from officers
- Consider information provided via Safer Estates protocol and from any support agency
- Determine eligibility with reference to the policy and process, utilising past case and actual possession.

4.4 **Policy context**

The policy and process are based on the Code of Guidance tests and on the test that if the applicant had been a council tenant or a tenant of a registered social landlord and had engaged in unacceptable behaviour, would the council/landlord have obtained an outright possession order at court? To reach a decision of the applicant being ineligible, the order would be absolute or outright.

Each application must be treated on its own merits – no blanket policies or circumstances will apply.

A panel of a minimum of two officers will make the final decision on eligibility. Officers will be required to provide the file together with supporting documentation as to the reasons why an applicant has been found to be ineligible.

4.5 **General application**

The following general guidelines apply:

- Spent criminal convictions cannot be taken into account (Rehabilitation of Offenders Act 1974 – Appendix 4)
- Only Housing debts from all tenures will only be considered. These are current or former tenant arrears, a recharge for property damage repairs or the theft of fixtures or fittings (without crime incident numbers) or legal costs.
- No account will be taken of non-housing debts such as Housing Benefit overpayments, mortgage arrears, Council Tax arrears or other council debts. These debts are either not legally enforceable in tenancy law as a condition of tenancy or under the grounds for possession in the Housing Act 1985
- Unacceptable behaviour from persons not part of the applicant's household cannot be taken into account.
- Unacceptable behaviour that took place more than 5 years ago and where there is no evidence of unacceptable behaviour in the intervening period will usually not be sufficient to warrant a decision of ineligibility. However, it is vital to establish any evidence of unacceptable behaviour in the intervening period

4.6 **Initial assessment**

The following questions will determine initially whether there is scope to consider ineligibility.

1. Can the applicant or a member of his or her household be regarded as guilty of the unacceptable behaviour?

If no, then exclusion cannot apply.

2. Is the unacceptable behaviour attributable to a former partner or household member who is no longer part of the applicant's household?

If yes, then exclusion cannot be applied.

4.7 **Assessment questions**

The process to follow is:

- **Identifying the unacceptable behaviour from:**

- Interrogation of computer records – via global person search in housing management computer systems. This will ensure the identification of any issues from all related sub systems such as rents, repairs and estate management
- Previous or current landlord reports.
- Local knowledge of unacceptable behaviour or ASB or through media reports. Any Information taken into consideration must be qualified, robust and substantiated.
- Risk level to be determined after assessment of information gained through the Safer Estates protocol to prevent prejudicial assumptions where there are
 - Declared criminal convictions
 - Gaps in housing history or
 - Previous history of anti-social behaviour

- 4.8 The police report, together with any landlord references and information from health and support agencies will be forwarded to the Eligibility Panel.

- **Is the applicant or a member of the household guilty of unacceptable behaviour?** Unacceptable behaviour from the applicant or a person who is part of the applicant's household can only be considered.
- **Is it serious enough to warrant ineligibility?** Would it have resulted in an outright possession order being obtained if the applicant had been a secure (not introductory) tenant? Courts work on basis of reasonableness to award an order where the unacceptable behaviour or tenancy breach is supported by good evidence.
- **Is the unacceptable behaviour associated with an applicant or a member of the household have a mental health or learning disability, or have any other physical disability, or have agencies supporting the applicant?** If so, we will:
 - Consult with relevant agencies to better inform the assessment and ensure that a tenancy can be maintained with appropriate support and request details of the support
 - In high risk cases, arrange a case conference to determine potential risk to the community, neighbours and staff and identify any support services provided to manage risk (bullet point moved)
- **Is the applicant vulnerable,** due consideration will be given to all housing options in order to reconcile the needs of the individual applicants and those of the community. Unmet support needs can have an adverse effect upon communities therefore vulnerable applicants support needs must be met to enable them to live successfully in the community.

This does not imply that ineligibility cannot be determined, but that a full account of the facts provided by the support agency must be taken into account when assessing an applicant's eligibility.

4.9 **Can ineligible applicants re-apply?**

An applicant, who has been previously deemed to be ineligible, can re-apply to join the register at any time. Applicants must demonstrate that their previous behaviour has improved and there are no further incidents of unacceptable behaviour. The applicant will be required to support this by appropriate evidence which must be supplied by him or her. The onus is on the applicant and no set time limits for ineligibility periods are set. The Eligibility Panel will determine eligibility to the housing register.

A guide to how to determine whether the person may be regarded as eligible and rejoin the housing waiting list is available. This is a guide only and individual circumstances should be considered.

Where there has been a previous involvement of another agency or an involvement in the risk assessment, then the views and comments of the relevant agency will be sought in the first instance. Depending upon the new information or changed circumstances, it may be appropriate to hold a strategy meeting.

4.10 **Further reviews**

Where the applicant remains dissatisfied with the decision after consideration by a review panel, then it can be challenged by:

- The applicant may also complain to the Local Government Ombudsman who will need to find maladministration – that due process or policy was not followed.

A process of judicial review where they will need to demonstrate that the Council acted unreasonably or irrationally or did not follow correct legal process. Proceedings must be launched promptly and in any event within 3 months of notification of the decision. Applicants should be advised to seek independent legal advice before pursuing this option.

SAFER ESTATES AGREEMENT AND RISK ASSESSMENT

A joint protocol, the Safer Estates Agreement, has been agreed between Northumbria Police Council and Registered Social Landlords operating in Northumberland. This provides the mechanism of information exchange through nominated contacts to ensure confidentiality and consistency of application of the agreement.

Decision to apply risk assessment

There will be no “blanket vetting” of housing applications. Each application must be considered on its own merits and risk assessment considered within the following criteria embodied within the Safer Estates Agreement.

Information may be requested from the Police under this protocol:-

Where one or more of the following circumstances apply:

- The applicant admits to criminal convictions.
- There are significant gaps in their housing history.
- The department knows the applicant in that there is a previous history of anti social behaviour or criminality.

Stages of the procedure

The procedure is in 5 distinct stages:

- Application by the individual
- Make a decision to apply risk assessment
- Implement Safer Estates Protocol
- Carrying out a risk assessment
- Involving other agencies
- Advice applicants of outcome including appeals procedure
- Appeals by applicants/Advocates

Applying for housing

Where an applicant applies for housing accommodation from the landlord, that person will be required as part of the housing application form to

- Declare any convictions, and
- Complete an informed consent form
- Provide a reference

Where an applicant does not complete the declaration, he or she will be requested to do so. Applications will not be assessed until all necessary information is provided. The applicant will be notified in writing when their application has been processed.

Where the applicant refuses to sign the Informed Consent Form, the applicant will be informed either verbally or in writing of the need to establish his good character from other sources which are:

- From former or current landlords, or
- By the applicant applying direct to Northumbria Police for a Subject Access application under the Data Protection Act 1998 for which a charge may be levied, currently £10.00

Use of Information and Information Sources

Information sources which may be used to complete the assessment include:

- Information received from visits, inspections and held on house files
- Factual information in the public domain e.g. reported cases in local media / press
- Statements from witnesses
- Information from the housing application including declared criminal convictions.
- Relevant information from other agencies such as Probation, Social Services
- Former tenancy reports from previous or current landlords
- Information from Northumbria Police through the Safer Estates Agreement

Decisions must be defensible and robust enough to withstand legal and other challenge. The requirements of case law and the Homelessness Act 2002 must be followed, in summary this means:

- That all cases must be considered on their individual merits
- Flexibility in application of procedures - overwhelming and urgent housing need and homelessness can outweigh the applicants housing history.
- Information taken into account must be comprehensive and not rely solely on information from Police.

Spent Convictions

The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become spent, and therefore do not have to be disclosed, after a rehabilitation period. Such convictions cannot therefore be considered within this protocol or for the possible exclusion from the waiting list.

The length of the rehabilitation period depends upon the sentence given not the offence committed. Custodial sentences of more than 2 ½ years can never become spent. Full details can be found at [The Rehabilitation of Offenders Act 1974](#).

Risk assessment

The eligibility panel of approved officers, to determine the level of risk and taking account of all available information sources as detailed above, as follows, will undertake a risk assessment.

- **Level 1** - Significant risk to the stability or safety of a community.
- **Level 2** - Moderate risk to the stability or safety of a community.
- **Level 3** - Minimal or no risk to the stability or safety of a community.

Applicants assessed at Level 1 risk may result in exclusion from the housing register. Applicants assessed at Level 1 are likely to be high-risk offenders who cause a serious threat or risk to the community. This could include criminal convictions for drug trafficking or possession of controlled drugs with intent to supply, assault or criminal offences endangering life, serious and persistent nuisance or severe racial harassment. This is neither exhaustive nor inclusive.

Other agencies may be invited to be involved in assisting in the risk assessment. The agency may request such involvement where necessary. The comments and advice of agencies will always be taken into account to inform the process but the final decision will rest with the eligibility panel.

Applicants classified into Level 2 may result in exclusion.

Applicants assessed at Level 3 would not be excluded.

In assessing risk and appropriateness of re-housing, the Eligibility Panel will consider the following factors:

- Impact of the applicant(s) on the local community
- Appropriateness of the locality or area for re-housing

- Appropriateness of the type of housing or stock available
- Risk posed to staff

Applicants who are convicted of sexual offences or deemed to pose a significant risk of sexual offending will not be considered under this procedure. A separate multi agency public protection agreement (MAPPA) protocol already exists for this. See full MAPPA protocol for further details.

Confidentiality

Northumberland Council has a responsibility for the secure handling and storage of potentially sensitive information provided as part of this protocol. The information **will not** be used for any other purpose. Disclosure of information to other third parties **will not** occur unless directed to do so by that agency or with the prior written consent of the applicant.

All information obtained from Police or other agencies relevant to this protocol is treated with strict confidentiality and is held centrally and securely within the Central Services section of each participating partner and is not contained within individual person's application files, house files or personal files.

Involving Other Agencies

Where there is a known or recorded involvement with another agency, such as Probation Service, Norcare, Social Services or Health professional, information will be obtained and considered as part of the risk assessment.

Where there is information to indicate that the applicant or a member of his/her household has:

- Severe mental health or physical health problems
- Issues in relation to the Children Act such as a child at risk
- And, the applicants housing circumstances are deemed to be urgent or are affected by these circumstances,

All relevant agencies will be notified. A request for information will be made and where appropriate a strategy meeting to determine the risk assessment will be convened.

High-risk offenders

There will be a need for a more coordinated approach to manage the potential risk where there is a particularly high risk and/or potentially dangerous offender. Where the applicant(s) has been charged with or convicted of:

- Firearm offences,
- Arson or criminal damage endangering life
- Homicide
- Kidnap/Hostage offences
- Serious assault occasioning actual bodily harm

Then the Police and support agencies such as the Probation Service will be invited to a case conference to determine whether the application should be made ineligible or if whether a specific property type and location is appropriate based on the level of risk and the risk management strategies in place.

Rehabilitation of Offenders Act 1974

Under the Rehabilitation of Offenders Act 1974 criminal convictions can become spent or ignored after a rehabilitation period, although they remain on the Police National Computer. The rehabilitation period varies depending on the sentence or order imposed by the court - not the offence. Custodial sentences of more than two and half years can never become spent. The following sentences become spent after fixed periods from the date of conviction:

Sentence	Rehabilitation period Age 18 or over when convicted	Rehabilitation period Age 17 or under when convicted
Prison sentences of 6 months or less, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	7 years	3 and half years
Prison sentences of more than 6 months to 2 and half years, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	10 years	5 years
Borstal (abolished in 1983)	7 years	7 years
Detention Centres (abolished in 1988)	3 years	3 years
Fines (even if subsequently imprisoned for fine default), compensation, probation (for convictions on or after 3 February 1995), community service, combination, action plan, curfew, drug treatment and testing and reparation orders	5 years	2 and half years
Absolute discharge	6 months	6 months

With some sentences, the rehabilitation period varies:

Sentence	Rehabilitation Period
Conditional discharge or bind-over, probation (for convictions before 3 February 1995), supervision, care-orders	1 year or until the order expires (whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
Referral Order	Once the order expires

Eligibility to join Northumberland Homefinder related to Immigration status or persons from abroad.

LIST OF COUNTRIES IN DIFFERENT EUROPEAN TREATIES				
EU	EEA	A8	A2	ECSCMA and CESC ratified
				Most EEA plus
Austria	Iceland	Czech Republic	Bulgaria	Croatia
Belgium	Liechtenstein	Estonia	Romania	Macedonia
Cyprus	Norway	Hungary		Turkey
Denmark		Latvia		
Finland		Lithuania		
France		Poland		
Germany		Slovakia		
Greece		Slovenia		
Ireland		Czech Republic		
Italy				
Luxembourg				
Malta				
Netherlands				
Portugal				
Spain				
Sweden				
UK				

EC/U: European Community/European Union

EEA: European Economic Area

Swiss nationals have freedom of movement rights under an EC-Switzerland agreement. As a consequence of SI 2002/1241, they are eligible for social housing on the same basis as EEA nationals.

HOUSING ELIGIBILITY AND MIGRANT WORKERS.

“EEA national”

The European Economic Area includes all the 27 countries now in the European Union plus three others that have signed up to some of the freedom of movement provisions. Switzerland also has an agreement that extends these rights to its citizens. From 1st January 2007 the EU and EEA have included Romania and Bulgaria. An EEA national is a person who is a citizen of one of those countries (not someone who simply has permission to live there.) The various free movement provisions also cover EEA nationals’ family members, whether nationals or not.

EEA nationals are **not subject to immigration control** if they have been here for less than three months, are in the UK to work, seek work, give or receive services or establish or run a business, including self-employment or have rights to reside under other EU regulations.

“Recourse to Public Funds”

People subject to immigration control often have a condition attached to their permission to enter or stay in the UK that they will be able to “accommodate and support” themselves without “recourse to public funds”. This does not usually apply to asylum seekers, refugees or people with ELR. In many cases, people are allowed to enter or stay in the UK on the basis that they will be able to “accommodate and support” themselves without “recourse to public funds”. ‘Public funds’ are defined in the Immigration Rules (HC 395) (amended in March 2005) as:

- a. Housing under Part VI or VII of the Housing Act 1996 and under Part II of the Housing Act 1985.
- b. Attendance allowance, severe disablement allowance, invalid care allowance and disability living allowance under Part III of the Social Security Contribution and Benefits Act 1992; income support, working families’ tax credit, council tax benefit, disabled person’s tax credit and housing benefit under Part VII of that Act; a social fund payment under Part VIII of that Act; child benefit under Part IX of that Act; or income based jobseeker’s allowance under the Jobseekers Act 1995.

In February 2005, the Immigration Rules were amended to add paragraph 6B which states that “A person shall not be regarded as having recourse to public funds if he is a person who is not excluded from specified benefits under section 115 of the Immigration and Asylum Act 1999 by virtue of regulations made under sub-sections (3) and (4) of that section or section 42 of the Tax Credits Act 2002”.

Note on workers covered by ECSMA and CESC treaties.

“EEA national”

See the list of European countries. The European Economic Area includes all the countries in the European Union plus others that have signed up to some of the freedom of movement provisions. An EEA national is a person who is a citizen of one of those countries (not someone who has permission to live there). The various free movement provisions also cover EEA nationals’ family members, whether nationals or not.

“A8 Accession nationals”

On 1st May 2004, ten countries joined (“acceded to”) the European Union. Two, Cyprus and Malta became full members of the Union immediately, but the other eight, in Eastern Europe, have had their membership phased in until 2009. Their nationals have the right to freedom of movement and the other rights to reside, but have more restricted access to European labour markets. In the UK they have more restricted access to housing and welfare benefits.

“A2” – Bulgaria and Romania

On 1st January 2007 Bulgaria and Romania became members of the EU. Nationals of these countries enjoy freedom of movement and the other rights to reside but the UK has decided to limit their access to its labour market. In the UK low-skilled A2 workers are restricted to fill vacancies in existing quota schemes in agricultural and food processing sectors. Skilled workers are able to work in the UK if they obtain a work permit or qualify under the Highly Skilled Migrant Programme. The arrangements will be reviewed within 12 months. As with A8 nationals, those actually in work generally have the right to reside and consequent access to benefits and housing.

“Freedom of movement directives and regulations”

EEA rules enable all nationals of EEA states (and their family members) to move freely around the area and settle in any other country in it: “freedom of movement”.

The provisions are set out in European Directive 2004/38EC which consolidates previous provisions setting out the right of EEA nationals to freedom of movement and their rights to reside in the UK. This is called the **Citizenship Directive**. The rights set out in the Directive apply to all EEA nationals, including those from the A8 countries.

“The right to enter the UK”

EEA nationals and their family members have the right to enter the UK on production of valid identity documents, and they are not subject to immigration control. This applies to all EEA nationals including A8 nationals and will apply to A2 nationals. Once in the UK they then have the right to reside in the UK automatically for three months. This right to reside does not lead to eligibility for homelessness assistance or an allocation.

“Work seeker”

Work seekers (that is, people who are looking for work but who have not been economically active in the UK before) have the right to reside in the UK to look for work. However, this right to reside does not lead to eligibility for homelessness assistance or an allocation. It may entitle the work seeker to IBJSA, subject to other rules for the benefit, including habitual residence.

“Exclusion from the register”

Section 160A Housing Act 1996 says that an allocation can only be made to someone who is eligible. The Act identifies two groups of people who are ineligible:

- S160A (3) People “subject to immigration control” as defined by the Asylum and Immigration Act 1996.

The Secretary of State can make regulations to allow certain groups of people in this category to be eligible for an allocation unless they are excluded from entitlement to Housing Benefit as a result of s115 Immigration and Asylum 1999 Act.

- S160A (5) other groups of people who are made ineligible for an allocation by Regulations (for example some British citizens, people with right of abode and EEA nationals are “not qualified” to be on the register).

Section 160A (6) provides that the requirement of eligibility does not apply where someone is already a secure or introductory tenant or has already been allocated an assured tenancy.

Housing Act 1996 part VI orders

The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 which came into force on 1st June 2006 govern who is eligible for an allocation. The Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) amended these.

Determining habitual residence

The habitual residence test is a test of the “centre of interest” of an applicant for services or benefits.

Habitual residence needs an ‘appreciable period of time of actual settled residence’. This time varies with the facts of each case, but must show a ‘settled and viable pattern of living here as a resident’ “He must show residence in fact for a period, which shows that the residence has become “habitual” and, as I see it, will or is likely to continue to be habitual”.

The requisite period is not a fixed period. It may be longer where there are doubts. It may be short.....” A month can be an appreciable period of time”.

A8 and A2 nationals and housing

A8 nationals are EEA nationals, and like them may be subject or not subject to immigration control. Any A8 national who was granted Indefinite Leave to Remain before 1st May 2004 has a right to reside and is not subject to control, and so is eligible for housing if s/he can pass the habitual residence test.

Any A8 national who is working and not subject to the requirement to register is an EEA worker, and so has the right to reside and also does not have to pass the habitual residence test to be eligible.

A8 nationals who are registered workers and working have a right to reside and are exempted from the HRT. They can claim in-work benefits, such as housing benefit, council tax benefit, working tax credits etc. They are also to be able to go on the housing waiting register and apply as homeless.

If they stop working within the first 12 months for a period of more than 30 days they will lose their right to reside and their rights to benefits and housing. If they start working again they can start their 12 months qualification time again. If they simply move from one job to another with no more than a 30 day gap then they will be able to count this as a continuous period.

Once they complete their 12 months continuous employment they will have the same rights as other EU workers, so for example, will retain their status as workers during periods of involuntary unemployment.

A8 nationals who are self employed are economically active EEA nationals and so exempt from the habitual residence test and have the right to reside.

Other A8 nationals may establish the right to reside under other regulations or directives, but will generally have to be self supporting to do so.

A2 nationals have similar rights to A8 nationals. The self employed and workers who are working with authorisation or registration or who are exempt have a right to reside and so are eligible for housing purposes and do not have to pass the HRT. Other A2 nationals may establish the right to reside under other regulations or directives, but will generally have to be self supporting to do so.

Two treaties signed by most EEA countries and three others entitle nationals of the countries that have signed and ratified them to social and medical assistance in other member countries, as long as they are **legally present** and **habitually resident**. The relevant countries are **Turkey, Macedonia and Croatia**.

HOUSING ELIGIBILITY AND MIGRANT WORKERS.

Resources including relevant legislation. Ref Shelter June 2007

Directive 2004/38EC

The Immigration (EEA) Regulations 2006 SI 1003/2006

Homelessness Code of Guidance for Local Authorities published by the Department for Communities and Local Government in JULY 2006. <http://www.communities.gov.uk/index.asp?id=1501614>

Allocations Code of Guidance for local authorities published by the ODPM in May 2002, available at: <http://www.communities.gov.uk/index.asp?id=1152946>

Statutory Instrument 2006 No 1294 The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006

Statutory Instrument 2006 No 2527 The Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006

Statutory Instrument 2006 No 2007 The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations

Housing Act 1996 parts VI and VII

Asylum and Immigration Act 1996

Immigration and Asylum Act 1999

Nationality, Immigration and Asylum Act 2002
Homelessness Act 2002

Nationality, Immigration And Asylum Act 2002 Section 54 And Schedule 3 And The Withholding And Withdrawal Of Support (Travel Assistance And Temporary Accommodation) Regulations 2002 Guidance To Local Authorities And Housing Authorities Issued By The Home Office

Appendix 3

Suitable accommodation

Suitable accommodation

For the purposes of suitable accommodation, an offer will be regarded as suitable where:

- The accommodation is affordable having regard to the financial resources available to the applicant and the cost of the accommodation as determined under Homelessness (Suitability of accommodation) Order 1996
- The accommodation is of an appropriate size and type to meet the reasonable requirements of the household and satisfies the need for special features to meet any limiting illness or disability that exist within the household
- Its location does not deny reasonable access to receive support due to vulnerability or disability or a specialist medical or health facility where a member of the household has a severe long-term limiting illness or permanent or substantial disability where their quality of life or health would otherwise be severely affected.
- its location does not deny reasonable access to a specialist educational establishment for a member of the household who has particular special educational needs which would otherwise result in a severe deterioration in that person's well being.
- its location is not in close proximity to a perpetrator who has threatened or caused violence or domestic violence to a household member whose life or safety would otherwise be threatened
- Its location is not in close proximity to a perpetrator who has caused intimidation or harassment to a household (e.g. due to race, nationality, sexuality, gender, religion or belief, age or disability)
- Its location takes account of access to employment and educational requirements of the household in addition to family support networks; and established links to schools; doctors; social workers and other key services and support essential to the well being of the household.