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## **Part I General Information**

### **1 Introduction**

This document explains the Northumberland Homefinder Allocations service.

A partnership of Northumberland County Council, Bernicia, Homes for Northumberland, Isos Housing and Four Housing have agreed a common housing allocation policy.

The policy is available on <http://www.northumberland.gov.uk/>

Northumberland Homefinder is a Choice Based Lettings (CBL) scheme offering increased options for housing by including private sector rented and low cost home ownership properties.

### **2 Legislative Framework**

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.

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 Provider 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.

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 current statutory reasonable preference categories are set out in s.167(2) of the 1996 Act. These were rationalised in the Homelessness Act 2002 (and further refined by the Housing Act 2004) to ensure that they are squarely based on housing need. The reasonable preference categories are:

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

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.

### **3 Equality Statement**

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.

### **4 Scheme Objectives**

#### **The key aims of Northumberland Homefinder are to:**

- Increase housing choice and meet housing need.
- Create a single point of access, through a common housing register, to all social housing, including accredited private sector properties and low cost home ownership options in Northumberland.
- Provide an open, fair and transparent housing allocations system that is easily understood, accessible and easy to use.
- Ensure consistency in the way in which applicants access accommodation
- Help to prevent and tackle homelessness in Northumberland.
- Create sustainable communities.

**We will deliver these aims by:**

- Using a Common Housing Register and Common Allocations policy across Northumberland.
- Operating a banding scheme where applicants are placed in one of five bands according to their level of need.
- Advertising all available homes weekly.
- Providing support and advice for vulnerable customers when they need it.
- 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.
- Facilitating mobility regardless of tenure.
- Promoting equality of opportunity regardless of sex, race, age, disability, sexuality, colour, nationality or ethnicity.

**5 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, a proactive approach will be adopted where areas have the potential to fail. If sustainability of a location is threatened, the relevant partner landlord will consider all evidence.

This will mean that some properties may be limited to a specific type of tenant, for example to applicants over a certain age. The partner landlord will retain the evidence and the outcomes will be made available when the lettings results are published to ensure openness and transparency.

## **6 Local Lettings Plans**

Landlords may draw up Local Lettings Plans where local tenants, staff, or other key stakeholders have identified that it would benefit the community.

Local Lettings Plans may be used to achieve a wide variety of policy objectives such as to address imbalances in the community or to ring fence new developments.

Each new proposal will be evidence based and will require consultation with local residents and stakeholders before a formal report is submitted outlining the results.

Upon approval from the Northumberland Homefinder Board the local lettings policy will be published as an addendum to the Common Allocation Policy.

Properties will be advertised through Northumberland Homefinder and where preference is to be given to a specific type of applicant, this will be clearly stated. The outcomes will be published as per any general needs property.

## **7 Rural Allocations Criteria**

Northumberland Homefinder recognises that there may be a lack of affordable homes in rural parishes and aims to support rural communities by awarding additional preference to families with a strong local connection.

A rural allocations criteria may be used to let homes in rural parishes where the landlord, or a Section 106, indicates that this is appropriate.

A close connection to the rural parish is defined as the applicant meeting one of the following criteria:

- Living in the parish continually for at least 3 years immediately prior to the date of selection for an offer.
- Been in continuous full or part-time work (excluding seasonal work) in the parish for at least the last 3 years immediately prior to the date of selection for an offer (part-time work means a minimum of 16 hours per week).
- Lived continuously in the parish for at least 3 years immediately prior to being accepted as homeless but have been placed in temporary accommodation outside of the parish for up to 2 years.
- Having parents, children or siblings who have lived continually in the parish for at least 3 years immediately prior to the date of selection for an offer.

Properties subject to the rural allocations criteria will be offered to applicants in the following order;

1. To applicants with a connection to the parish or adjoining\* rural parish in bands P, 1, 2 or 2R.
2. To any applicant in bands P, 1, 2 or 2R.

3. To applicants with a connection to the parish or adjoining\* rural parish in band 3.
4. To any applicant in band 3.

\*Where there is no accommodation in the adjoining rural parish we will consider applicants in other local rural parishes.

## **8 Section 106 Agreements**

Eligibility requirements as defined in a Section 106 agreement will be adhered to. Properties subject to a Section 106 agreement will be advertised as such and the eligibility criteria will be clearly stated. Nominations for properties subject to Section 106 agreements will be made in line with the Section 106 agreement.

Where the Section 106 decrees that specific criteria will apply to allocations in perpetuity every vacancy will be advertised accordingly.

## **9 Exceptional Circumstances**

To ensure fairness, the policies in the document are applied consistently.

The individual circumstances of each applicant are considered in every case using the information provided by the applicant on their Housing Register application form and subsequently in any ensuing additional information that is requested and/or provided.

The policy allows for any provision to be considered and waived in exceptional circumstances and at the discretion of a Senior Officer who has responsibility for managing the Housing Register. This would also require a report of the circumstance and the waivers made being made to the Homefinder Board at the earliest opportunity.

## **10 Advice, Assistance And Support**

An Access and Support strategy has been published which sets out how Northumberland Homefinder will:

- Ensure that information about Northumberland Homefinder is available to all residents in Northumberland who require use of the service.
- Provide support and advice to clients where it is needed.
- Ensure that information in a variety of formats is available.
- Support vulnerable groups to ensure that they are not disadvantaged as a result of the introduction of a CBL scheme
- Ensure that the media by which properties are advertised is suitable for all client groups
- Facilitate opportunities for all client groups to be able to express their interest in available properties

Northumberland Homefinder officers can provide advice and support on issues relating to the allocation process or make a referral to another organisation who would be better placed to offer relevant advice.

### **10.1 Support for Vulnerable Applicants**

Northumberland Homefinder will work in partnership with other local authorities, Registered Providers (RPs) housing providers and voluntary organisations to meet housing need. With support services (such as Health Authorities, Social Services, Police, Probation or voluntary organisations) we will ensure that housing, care and support needs of vulnerable people are met.

The scheme will not unduly influence an applicant's choice of accommodation when providing advice or support. The scheme will offer a number of means of supporting applicants who are identified as requiring additional assistance through the allocations process including placing bids on customers behalf or identifying advocates to act on their behalf.

## **11 Notification of Decisions and the Right to a Statutory Review of a Decision**

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

- Obtain free advice and assistance about making an application for housing.
- Request general information about what preference is likely to be given and whether appropriate housing to meet their need is likely to become available.
- Be notified in writing if preference will not be given because of unacceptable behaviour.
- Request that Northumberland County Council are informed of the facts of the case that are being taken into account in deciding to allocate housing.
- To be informed of the reasons for any decision.

Northumberland Homefinder 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 receiving notification of the original decision.

A review will be considered by an Officer who was not involved in the original decision and who is more senior than the original decision maker.

Where the applicant remains dissatisfied, the decision can be challenged through the complaints procedure of the organisation that made the original decision.



If the complaint concerns a matter of policy, that will be handled by Northumberland County Council in accordance with their complaints policy.

Should this process then be exhausted and the applicant remains unhappy with the outcome they may also complain to the Local Government Ombudsman who will need to find maladministration (that due process or policy was not followed).

The applicant may seek a judicial review where they will need to demonstrate that the Council or its partners 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.

## **12 Monitoring**

There will be a process in place to monitor various aspects of the scheme within Northumberland County 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.

## **13 Policy Review**

The Northumberland Homefinder Allocations policy will be reviewed on an annual basis.

Any changes to the Common Allocation Policy will only be implemented following consultation with partners, Elected Members and service users.

## **Part II Applying to Join Northumberland Homefinder**

### **14 Common Housing Register**

Northumberland County Council will operate a single housing register on behalf of itself and its partners. This means that applicants only need complete one application form to join the scheme and access the properties that are made available by housing providers participating in the scheme.

### **15 Who Can Apply?**

All applications to join the Housing Register will be considered, including existing council and other housing provider tenants, provided that the application has been made in accordance with this scheme and in accordance with Section 166(3) of the 1996 Act.

The Register is open to anyone aged 16 or over, unless they are specifically ineligible. Some Registered Providers (RPs) due to their internal policies on minimum age of tenants, may be unwilling to consider applicants under the age of 18 This will be clearly labelled on property adverts.

To be registered with the scheme 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.

### **16 Applicants Not Eligible For Housing or Nomination**

The Housing Act 1996, as amended by Homelessness Act 2002, defines the categories of people who may not be eligible for allocations.

They are:

- People subject to immigration control\*
- People from abroad as defined by the Secretary of State\*
- People who the authority decides are guilty of unacceptable behaviour.

See Appendix 1 for further information.

\* People who are already a secure or introductory tenant, or an assured tenant of accommodation allocated by a Local Authority, will be eligible for an allocation (subject to the assessment and references).

In addition, Northumberland Homefinder has defined that applicants in the following categories will not be eligible to join the Housing Register:

- Applicants whose income is greater than £60,000<sup>^</sup> and who have been assessed as having no housing need.
- Applicants who have been assessed as not eligible for the Housing Register in accordance with the Eligibility Matrix at Appendix 1.

^ This figure is reflective of the levels set for products such as Homebuy and is subject to change in accordance with those products or other Government guidance.

### **16.1 Ineligible Applicants Who Wish To Re-Apply To Join the Housing Register**

Ineligible applicants will be advised of the reasons for the decision and, where applicable, of the requirements that need to be demonstrated before they can re-apply to the housing register or ask for the decision to be repealed.

The applicant will also be provided with an indicator of when a new application would be reconsidered. Applicants must demonstrate that their previous behaviour has improved and there are no further incidents of unacceptable behaviour, or that their circumstances have sufficiently changed as to warrant a “fresh” application.

Applicants who are ineligible because of household income are not eligible to reapply unless a change of circumstances mean they become eligible.

### **17 Applications from Employees / Members and their close relatives**

Registrations can be accepted from employees of Northumberland County Council and their partner organisations including Elected Members, partner Board Members and their close relatives, provided they are eligible to apply. They will be subject to the rules in Schedule 1 of Housing Act 1996 or subsequent regulations/regulatory framework. Applicants must disclose any such relationship at the time of applying. Failure to do so may result in the application being suspended or closed. Approval must be given prior to an offer of accommodation within the procedures of the relevant partner landlord.

### **18 Application Form**

There is one application form to join the scheme. If an applicant chooses not to, or fails to complete the questions in the application to enable verification or an assessment of housing need, including the ability to afford to purchase, then the application may not be able to be registered and may be returned without being processed. Registration or effective dates will not usually be recognised or backdated in cases where incomplete applications are returned.

It is the applicants responsibility to ensure that an online application is submitted. Applications in an “online incomplete” status will not be progressed by the Homefinder team and effective or registration dates will not be back dated. Online applications that remain incomplete for a period of 3 months or more may be deleted.

#### **18.1 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.

## **19 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 information from relevant agencies including but not limited to Police, Probation, Social Services, Education and Health Authorities and Land Registry to decide whether or not an applicant is eligible.

## **20 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 and include but are not limited to members leaving the household, members joining the household, new addresses and changes in economic status.

Applicants will be required to complete a new application form and existing applications will usually be suspended whilst circumstances are re-assessed. The reassessment will result in the applicant being placed into the priority band which reflects their current housing need and circumstances.

Changes of circumstances that are identified at the point of offer will prompt a reassessment of the application for housing as above. Applications may be suspended while the reassessment is undertaken.

## **21 Keeping the Register Up To Date**

Applications will be reviewed regularly to ensure that records are accurate and that all applicants are still in need of housing and wish to remain on the register.

If an applicant fails to respond to the annual review the application will be cancelled. Consideration may only be given in exceptional circumstances to reinstating the original date of registration if a reapplication is made within 12 months of the original review date.

A housing application will be cancelled where the applicant:

- Accepts a sole or joint tenancy of a council, partner landlord, private landlord or housing association property offered to them through Northumberland Homefinder
- Becomes a joint tenant with an existing tenant
- Is assigned a tenancy
- Is granted a new tenancy on succession

## **22 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:-
  - o Their application for housing
  - o Subsequent review information
  - o Other updating mechanisms e.g. change of circumstances
- Knowingly withhold information which has been reasonably requested.

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

## **Part III Assessing Housing Need**

### **23 Reasonable Preference**

The scheme may award reasonable preference to the applicants who meet the requirements as defined by statutory requirements and the relevant Code of Guidance on allocations.

Northumberland Homefinder defines their reasonable preference bands as Band P, 1, 2 and 2R. The bands are categorised as:

- 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 2R for those in reasonable preference categories but whose priority is reduced.
- Band 3 for those who are adequately housed.

### **24 Band P - Urgent and Severe Housing Need**

Applicants with an urgent and severe housing need will usually be awarded Band P. Band P applicants will be given priority for all advertised vacancies, unless a Local Lettings Policy, rural allocations criteria, specific allocations criteria or a Section 106 is in place where additional criteria is required to be met, or where a direct let is to be made due to management reasons. Where this is the case, the advert will clearly state the additional criteria that an applicant is required to meet.

Applicants awarded Band P must bid on all properties that would be considered to be a reasonable offer (e.g. of appropriate size and in an appropriate location). Band P applicants who have not bid on suitable properties, and are unable to offer a reasonable explanation as to why they have been unable to do so, will have their priority status withdrawn and their application re-assessed.

Band P urgent and severe housing need status can be awarded for up to three months, except for 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 may be offered.

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 or they have not come top of the list for any specific properties for which they have expressed an interest

- Personal circumstances have prevented them being proactive 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 they were expected to do under the scheme
- 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.

### **24.1 Band P – Armed Forces Personnel**

Applicants who fall into any of the categories below and who have been assessed as being in Band P (urgent housing need) will be awarded additional preference by means of backdating the effective date by one calendar month. For example, a qualifying applicant who is awarded Band P on 1st December 2012 will have their effective date backdated to 1st November 2012.

Applicants who will be awarded this additional preference will meet the following criteria:

- Be assessed as being in Band P

AND meet any of the following criteria:

- Is serving in the regular forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- Has formerly served in the regular forces (Veterans)
- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that person's service
- Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

## **25 Multiple Needs and Preference**

Where an applicants housing needs falls into more than one reasonable preference category they will be awarded the priority that reflects the highest category of need. No additional priority will be awarded for multiple needs.

## **26 Local Connection**

The scheme awards further priority to applicants who have a local connection to the county of Northumberland. Where the council has a statutory duty to re-house local connection criteria may not be required.

Applicants defined as having a local connection to Northumberland will meet 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 and 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 resident 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. Northumberland Homefinder will need to exercise its discretion when considering whether special circumstances apply
- The applicant is a person who is serving in the regular forces or has done so in the five years preceding their application for an allocation of housing accommodation; is a bereaved spouse or civil partner of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases; is seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service..

An applicant who is assessed as being in a reasonable preference category but who has no local connection will usually be awarded Band 2R.

## **27 Homeless Priority and Other Statutory Duty To Re-House**

Homeless priority will be determined by a Homelessness 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.



Applicants who are awarded Band P because they are homeless must bid on all properties that would constitute a reasonable offer during that period. If no suitable properties have been available during this period, the award will be reviewed after 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. A refusal of accommodation considered as suitable offer may be deemed an unreasonable refusal and may lead to the duty being discharged under s 206(1) of the Housing Act 1996.

### **27.1 Discharge of Homelessness Duty to the Private Rented Sector**

The Localism Act allows Local Authorities to fully discharge their full housing duty by a 'private rented sector offer' (s193(7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011). This must be an offer of an Assured Shorthold Tenancy with a minimum fixed term of one year.

Applicants may not decline the offer as a final discharge, although they will retain the right to request a review of suitability whether or not they accept the offer.

Where homelessness duty is discharged to the Private Rented Sector, applicants who are subsequently given a section 21 notice to leave within two years of the offer being accepted, then, where the applicant is eligible for assistance and not intentionally homeless, the homelessness duty to secure further suitable accommodation is revived. The duty revives even if the applicant no longer has a priority need, but it only applies to the first incidence of homelessness within the two-year period.

Northumberland County Council will retain this ability to discharge their duty to the private rented sector as one of several options.

## 28 Priority Band Definitions

Categories within the priorities bands are defined in the sections below.

### Band P

- **P1 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.
- **P2 Statutory Duty to Rehouse**  
Where there is a Statutory Duty to house someone not specified below.
- **P.3 Decants, Demolition and Regeneration**  
Where the duty to house arises as a result of the requirement to decant. 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.

In cases where there are more than one tenant decanted from the same scheme at the same time, or where there are multiple schemes in the same area that are affected, the date that notice to quit was given to residents and current tenancy length will be used to in order to differentiate between priority order.

- **P.4 Compulsory Purchase Order**  
Where the duty to house is because of a Compulsory Possession Order.
- **P.5 People who need to move on medical, welfare or hardship grounds**  
Including but not limited to:
  - 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.
  - Witnesses of crime who are on witness protection and immediate or urgent re-housing is confirmed by the National Witness Mobility Scheme.
  - 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 rehousing is not made available 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 available.
- A Children Act (2004) 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.
- Prospective adoptive parents who need to move due to their current accommodation being unsuitable or who, as advised by Social Services, need to move to a different location to safeguard or promote the well-being of the child or children they have adopted or are planning to adopt. "Prospective" means those who have the support of Social Services and whose application has been approved.
- People who are fostering children as part of a long-term arrangement and who need a larger home. This means those who have the support of Social Services and whose application has been approved.

- **P.6 Supported Housing Move On/Leaving Care**

Where an applicant is in Supported Housing, and has been for a sustained period of time, and has been assessed as ready for independent living and they are occupying a space that is required for another person in need of that support.

Or

Where a young person (up to the age of 21) is leaving care and being supported by Social Services or a recognised care or support professional to do so and an appropriate ongoing care or support service is in place.

For the purposes of this award "Supported Housing" does not include crash pad type accommodation or temporary accommodation. As the purpose of this award is to assist young people transition from care for the first time, it will not usually be given to a young person who has already moved on from care.

- **P.7 Statutory Overcrowding**

The household being statutorily overcrowded in their current home.

- **P.8 Severe Disrepair**

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.

## **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.**

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

- **B1.3 High medical/welfare need**

People who need to move on medical or welfare grounds because their quality of life or health is seriously affected by the accommodation occupied.

The applicant or a member of the household or for whom the applicant provides care has a serious long term limiting illness or permanent and substantial disability where their quality of life or health is seriously 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 living in conditions which are contributing to deterioration in their mental health where a move would prevent deterioration, relapse or exacerbation in their mental health.

Their quality of life is seriously 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 applicants whose ability to live in the community is at risk without suitable accommodation, a secure base from which a care leaver or other vulnerable person can build a stable life or vulnerable people (with or without care and support needs) who could not be expected to find their own accommodation.

#### **B1.4 People living in Severe Overcrowded conditions**

The current household of the applicant is overcrowded and, according to the property eligibility criteria are 2 or more bedrooms short.

OR

The applicant is a Transfer Applicant (i.e. tenants of Northumberland County Council, Bernicia, Isos Housing and Berwick Borough Housing) who currently occupy 1 or 2 bedroom homes and who are at least 1 bedroom short according to the property eligibility criteria. This award will not apply to applicants who are 1 bedroom short in homes that have 3 bedrooms or more.

OR

The applicant has permanently resident child/children and currently occupies a bedroom with them and there is not another bedroom available to them, irrespective of how many bedrooms they are short of.

#### **B1.5 People served notice to quit tied accommodation**

People occupying tied accommodation that have been served with a valid notice to quit. This includes people living in accommodation provided as a condition of employment such as those in HM Forces, licensed premises, caretakers or wardens.

#### **B1.6 Under occupation**

If an applicant is occupying social housing within Northumberland, provided by one of the partner landlords (i.e. Northumberland County Council, Bernicia, Isos or Berwick Borough Housing) and is under occupying their home by at least one bedroom, according to the overcrowding criteria and they are prepared to take a smaller home that they are eligible for under the Northumberland Homefinder letting criteria. Priority may be awarded provided that:

- A move 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.

It should be noted that an under occupation award is not a foregone conclusion. Where there is little or no demand for the property type that will be made available landlords retain the right not to award band 1. Examples include but are not limited to properties that have been adapted to meet the specific need of the current tenant, homes for which there has been little or no demand from applicants in housing needs. Due consideration will be given to the reasons for applying for a move (e.g. affordability).

#### **B1.7 People living in 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.

### **B1.8 People who need to avoid hardship**

Where re-housing would relieve the hardship of a care giver. Priority will only be awarded where the care receiver has no other means of support in the locality, and who without the continued support of the care giver (the care receiver) would be eligible to be awarded Priority Band status.

Applicants who are required to be able to access specialised medical treatment, or to take up particular education, employment or training within a particular locality, without which would affect the health and quality of life of the applicant.

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

A locality within which the applicant can move will be identified on award of the priority and the priority award may be withdrawn if the applicant is successful in their application for a property that would not allow them to fulfil the requirements for which the priority was awarded.

### **B1.9 Split Families**

Families with permanently resident children who would usually be expected to reside as a single family unit but who, through no fault of their own, are unable to live together. This award will not be given where existing accommodation is available in which the family could live. This award does not apply to families without permanently resident children aged 16 and under.

## **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 Medium medical or welfare grounds**

The applicant or a member of the household has a medical or welfare need (as defined in Band 1 Medical/Welfare) 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 conditions will not be regarded as need for the purposes of this priority band.

### **B2.3 Sharing Facilities**

The applicant is sharing kitchen, toilet and bathing facilities with someone not part of the applicant's household. This award would not usually be made to applicants living with family members such as parents, siblings or

grandparents, applicants whose relationship has broken down and they remain in the former home or to applicants who could otherwise resolve their own housing need.

#### **B2.4 Overcrowding**

The current household of the applicant is overcrowded and, according to the property eligibility criteria are 1 bedroom short.

#### **B2.5 Hardship**

The applicant or a member of the household has a hardship need (as defined in Band 1 Medium Hardship) that could be eased or improved by re-housing but the severity is not so great as to merit placement in Band 1.

A financial assessment has been undertaken by a recognised agency (for example Citizens Advice, Money Advice Trust, National Debt Line, a financial inclusion officer or independent and qualified agency associated the applicants creditors) and the action plan indicates that re-housing is necessary in order to alleviate the financial hardship.

#### **B2.6 Key Workers**

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

A key worker is someone whose employment is 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 alternative accommodation 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.

#### **Band 2R Reduced Priority**

Band 2R will be awarded to applicants who would otherwise be in Bands P, 1 or 2 but priority is reduced because of any of the reasons below.

- They have no connection to Northumberland as detailed in Section 26.
- They are a property owner, they have a financial interest in a property, they have transferred ownership of a property or they have an ongoing right to occupy a property.
- They have criminal convictions or a history of anti-social behaviour but are eligible for the Housing Register because they have been assessed as low risk.
- They are a transfer applicant and their current home is in an unacceptable condition to the extent that it could not be let immediately to a new tenant.

- The applicant has deliberately worsened their living conditions. (See Section 30)
- They, or a member of their household, has significant financial resources and would be able to secure alternative accommodation at market rent. Financial resources include equity in a property, savings and income. Any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will not be taken into account.

### **Band 3**

#### **B3 Households who are adequately housed.**

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

### **29 Financial Resources**

Property owners who are adequately housed or with the resources to obtain suitable accommodation would normally not attract any preference under this scheme. Property owners who have been assessed as being in housing need will usually be placed into band 2R.

However the applicant's household needs relating to vulnerability due to age or disability will be taken into account and 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.

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.

### **30 Applicants Who Have Deliberately Worsened 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 deliberately worsened their living conditions within the last 12 months, without good reason and who as a consequence, increase their chances of re-housing through the housing register will have their priority reduced.



Where an applicant has reasonable preference but it is considered that they have worsened their housing conditions they will be placed in Band 2R.

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

## **Part IV Property Eligibility**

### **31 Bedroom Calculations**

In assessing the size and type of property that an applicant is eligible to apply for we will usually allocate one bedroom each to:

- A person aged 16 or over
- A couple of either sex
- A pair of same sex children under 16
- A pair of opposite sex children under 10
- Any additional child
- A non-resident carer providing 24/7 care

The aspiration of Northumberland Homefinder in letting homes will be to match household requirements with property type. Landlords may choose to make their properties available to a wider audience however where that is the case, they may specify that preference will be given first and foremost to households who meet the maximum bedroom capacity.

Some properties will be designated for a particular use, for example for older persons, for those with medical needs or for applicants who are disabled. Where this is the case, the eligibility criteria will be clearly stated in the advert. On some occasions there may be a need to allocated disabled adapted properties outside of the policy to an applicant who's needs can be met by the available property. Where this is the case, it will be clearly stated in the advert and it will be processed as a direct let.

There may be occasions where households require larger properties for example to accommodate live in carers, equipment or other facilities or where there is a medical need for an additional bedroom.

Single person households who are identified as being vulnerable, and who need to be rehoused in an area where there is a lack of one bedroom properties may be allowed to apply for two bedroom flats. The Northumberland Homefinder Project Board will review these cases on a regular basis.

Sheltered housing is normally allocated to people aged over 60 and then to people who are assessed as needing sheltered accommodation. Eligible single people may be able to 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 may be let to general needs applicants.

### **32 Access to Children**

Bedroom eligibility of applicants who have staying/overnight access to children aged 16 and under will be assessed on the basis that there is one additional child in the household, irrespective of the number of children. Applicants who have access to children will be eligible for a maximum of one additional bedroom. (Where the household make up is such that no additional bedroom is required, none will be awarded).

### **33 Definitions of a Household**

Northumberland Homefinder defines households as follows:

- A child is a person under 16.
- A couple is two people living together as spouses or partners of either sex.
- 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 will have their property eligibility criteria assessed on the birth of the child unless the bedroom calculations would not be affected by the sex of the unborn child. Where the bedroom calculations would be affected by the sex of the unborn child, bedroom calculations will be reassessed once the sex of the newborn is confirmed.
- An older person can be defined as someone who is “of pensionable age” or in some cases may need to be defined as 60 years of age or over. For couples, only one of the partners has to meet the age requirement.

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.

### **34 Adapted Properties for People with Disabilities**

Adapted properties are homes that have been designed for or significantly adapted to meet the needs of people with physical or sensory disabilities. Adapted homes will be advertised as part of the scheme to ensure that applicants assessed as needing this type of accommodation are given the widest possible choice.

Applicants with an assessed need for adapted accommodation will be given priority for adapted accommodation over others in the same Priority Band without that need and the property advert will make this clear. The advert will describe the accessible features as far as they are known to the landlord.

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

## **Part V Allocations**

### **35 Advertising Properties**

Generally speaking, all available properties of the scheme partners will be advertised on a weekly basis.

Northumberland Homefinder will also advertise non-partner RSL properties, private landlord properties and properties that are available for shared ownership. Non partner landlords may apply their own policies when allocating their properties.

Properties will be advertised at

- [www.northumberlandhomefinder.org.uk](http://www.northumberlandhomefinder.org.uk)
- [www.northumberland.gov.uk](http://www.northumberland.gov.uk)
- All partner offices
- Northumberland County Council Information Centres
- In some public buildings such as libraries and Citizens Advice Bureaux
- The information telephone line on 0845 60 66 546.

Properties will be advertised from 00:01 on a Thursday until 23:59 the following Monday. This period is known as the lettings cycle. Lettings cycles are subject to change or cancellation to accommodate Bank Holidays and other holidays.

On occasion landlords may need to withdraw a property during or after it has been advertised. In this instance applicants have no right to an offer.

Information about recent lets will be published (whilst respecting confidentiality). This information will show the priority band and registration date of applicants to whom properties have been recently let.

### **36 Placing a bid**

In order to be considered for a property, applicants are required to express an interest for any properties they wish to be considered for. This process is known as bidding. Applicants will only be able to bid for properties that they are eligible for.

Applicants can place bids at any time during the advertising cycle via the following outlets:

- [www.northumberlandhomefinder.org.uk](http://www.northumberlandhomefinder.org.uk)
- An automated telephone number 0845 270 1997
- In person or by telephone at any partner office
- Through an advocate or support worker
- Through automated means in cases requiring a high level of support
- By Email
- At any Northumberland County Council Information Centre

Bids can only be placed during the lettings cycle. Bids received outside the lettings cycle will not be considered in any circumstances.

Applicants can place up to three bids per advertising cycle.

### **37 Short-Listing and Selection**

At the end of lettings cycle bidders will be short listed in order of:

- Applicants with a ground floor need where the property is restricted to bidders who have a ground floor need
- Band (P being the highest band, 3 being the lowest)
- Effective Date
- Registration Date.

Where additional qualifying criteria has been advised shortlists will be adjusted accordingly with the stated additional criteria, including but not limited to; those meeting the property's maximum capacity, connection to a parish or age, being the primary shortlisting criteria, followed by band and effective/registration date.

Landlords will be entitled to carry out an affordability assessment to ensure that the tenancy will be sustainable. Where the Landlord feels that this is not the case they will be able to withdraw the offer of accommodation.

If an applicant is ranked first for more than one property the applicant will be contacted to decide which property they prefer. If the applicant cannot be contacted within one working day to determine this choice the offer will usually be made on the first property bid on. The applicant is not able to put on 'hold' more than 1 property at any given time.

**Shortlist position does not guarantee an offer.**

#### **37.1 Effective Dates**

It is recognised that an applicant's circumstances may change during the life cycle of their application. If at any time an applicant moves up a band (for example from 3 to 2) they will be awarded an effective date that is based on the date that the new, increased band is awarded.

Applicants moving down to a band other than Band 3 will retain their existing effective date.

Applicants moving down to Band 3 will be awarded an effective date that is the same as their original registration date.

This will ensure that offers are made to applicants who have been in the most housing need for the longest time.

Applicants registered prior to the effective date of Issue 4 of the policy (10 June 2013) will retain their existing effective date until their circumstances change and a reassessment is required in which case the above will apply.

### **38 Verification of Circumstances on Offer**

When an applicant has been short-listed or selected for a property the landlords representative will confirm present circumstances and make the necessary reference checks. This may involve a home visit. Landlords will usually undertake additional eligibility checks at this point, including current landlord references where applicable. Applicants will need to ensure that any current rent arrears are reduced (or cleared) to a level agreed by both the current and/or prospective landlord.

Landlords have the right to reject a nomination, or refuse to make an offer in accordance with the eligibility criteria as detailed in Appendix 1 or as above. In this instance the application will need to be subject to a reassessment in line with the requirements of the policy. Applications may be suspended pending further investigation or assessment.

### **39 Viewings**

Applicants will be invited to view a property that they have been offered at a mutually agreeable time.

### **40 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.

### **41 Suitable Accommodation/Reasonable Offers**

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.

- It's 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 wellbeing.
- It's 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
- It's 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 wellbeing of the household.

## **42 Refusing Offers**

Applicants who refuse 3 or more reasonable offers will have their application reviewed. Landlords will advise applicants at the time of their refusal if they consider it to be unreasonable and will explain why. Where 3 unreasonable refusals are recorded the application will be suspended pending a review.

Applicants will be advised in writing of the outcome of the reassessment. If 3 refusals are found to be unreasonable the application will usually be closed and applicants will not usually be eligible to reapply for 12 months from the date that the application is closed. Applicants have the right to appeal any decision as per section 11 of this policy.

Examples of unreasonable refusals are:

- The area being unsafe or unsuitable if the applicant could reasonably be expected to have previous knowledge of the area (for example because they live in the vicinity).
- Bedrooms too small/too large if they are of a standard size for the property type.
- The applicants can't afford to move.
- The applicants circumstances have changed so the property is no longer suitable but they have not advised Homefinder of those changes.
- The applicant does not like the property décor.
- The condition of the property is not satisfactory but it has been deemed as so by the landlord.
- The applicant does not respond to contact regarding the offer.
- The garden is unsuitable if it is of a standard size for the property type.
- The neighbours (unless there is a risk of serious harm).
- The property is excluded from right to buy.
- The property is not close enough to shops/school/work if the applicant could reasonably be expected to have previous knowledge of the area or made adequate enquiries before applying.
- The applicant cannot afford the rent if the rent was stated in the advert.
- The property is too far from family/friends if the applicant could reasonably be expected to have previous knowledge of the area or made adequate enquiries before applying.

- The applicant has arrears or housing debt which precludes them from an offer and they were aware of this at the time of their application for the property.
- Pets not being allowed if the restriction was stated in the advert.
- The applicant requires upper/lower floor and the information about the location of the property is provided in the advert.
- Location if previous offers in the same area have been refused.

Particularly where a high level of priority (for example Band P or Band 1) is awarded applicants are expected to bid regularly and realistically as this should lead to housing. It is not expected that applicants will refrain from submitting bids or refuse offers in the hope of obtaining the ideal property. Therefore, where an applicant in a high band is not bidding or is refusing offers then the Council may fulfil its obligation to the applicant by making a direct offer, enforcing an offer of a property for which the applicant has successfully bid, or by reviewing and reducing the priority of the applicant as outlined above.

### **43 Restricting Choice**

Some applicants may be restricted in terms of the properties they may bid for. This could be to protect the applicant, the local community or in cases where a priority band is awarded only to facilitate a move to a specific locale. Applicants subject to restricted choice will be advised of the areas and/or property types they may apply for. Should an application be made for properties outside of the specified area then landlords may refuse an offer on that basis. On occasion, reasons for restricting the area that an applicant might apply for may not become apparent until the point of offer. Where this occurs the landlord may refuse to make an offer however they will advise the applicant of the reasons why and the applicant will then be advised of the areas that they may be considered for. Applications may be suspended if further enquiries are required.

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

### **44 Difficult to Let Properties**

If a property has been advertised and there have been no bids from suitable applicants the landlord may relax the property eligibility criteria in order to allow applicants with one bedroom requirement less than the property would usually allow. In cases of age designated properties, the age requirement might be reduced.

Where the same type of property in the same location has previously been advertised within a rolling 3 month period, it may be advertised with the reduced bedroom calculations immediately.



## **45 Making Direct Offers without Advertising – Direct Letting**

Under certain circumstances, it may be necessary to make a direct allocation of a property to an applicant. Those circumstances are:

- Where required in order to discharge of homeless duty
- Where there is exceptional circumstances and/or where urgent and immediate housing is required
- Where an emergency plan has been activated
- Where a management move is required and a similar property to that which would otherwise be made available will be allocated through Homefinder.

Direct lets must be approved by a senior officer and made through the CBL system. These will be reviewed by the Northumberland Homefinder project Board on a regular basis.

If a reasonable offer of suitable accommodation is refused by the applicant, partners may reserve the right not to review whether a further direct allocation will be offered.

## **46 Nominations to RSL's and Private Landlords**

The Registered Social Landlords within Northumberland are expected to be participating members of the scheme, and must advertise their properties via Northumberland Homefinder in order to achieve their nomination quota.

Nominations made to RSL's and Private Landlords will comply with this Common Allocation Policy. Lets to applicants by non-partner RSL's and private nominations that do not comply with the policy will not count as a nomination.

## **Appendix 1 Ineligible Applicants**

### **1.1 Persons from Abroad**

A person may not be allocated accommodation under Part 6 if they are a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Housing Act. There are two categories for the purposes of s.160ZA:

(i) *a person subject to immigration control* - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and

(ii) *a person from abroad other than a person subject to immigration control* - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

### **1.2 Persons Subject to Immigration Control**

The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given). The following categories of persons do not require leave to enter or remain in the UK:

(i) British citizens

(ii) certain Commonwealth citizens with a right of abode in the UK

(iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area with the UK which allows free movement

(iv) EEA nationals\*, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive)

(v) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

Any person who does not fall within one of the four categories above will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see further below).

Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

i) *a person granted refugee status*: granted 5 years' limited leave to remain in the UK

ii) *a person granted exceptional leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds*: granted for a limited period where there are compelling humanitarian or compassionate circumstances for allowing them to stay. However, if leave is granted on condition that the applicant and any dependants are not a charge on public funds, the applicant will not be eligible for an allocation of accommodation. Exceptional leave to remain (granted at the Secretary of State's discretion outside the Immigration Rules) now takes the form of 'discretionary leave'.

iii) *a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area)*: such a person will have indefinite leave to enter (ILE) or remain (ILR) and is regarded as having settled status. However, where ILE or ILR status is granted as a result of an undertaking that a sponsor will be responsible for the applicant's maintenance and accommodation, the person must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later - to be eligible. Where all sponsors have died within the first five years, the applicant will be eligible for an allocation of accommodation.

iv) *a person who has humanitarian protection granted under the Immigration Rules*: a form of leave granted to persons who do not qualify for refugee status but would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395))

### **1.3 Other persons from abroad who may be ineligible for an allocation**

By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

(i) a person who is not habitually resident in the Common Travel Area

(ii) a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) ('the EEA Regulations').

(iii) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations

(iv) a person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights

The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

a) an EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)

b) an EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)

c) a person who is treated as a worker for the purposes of regulation 6(1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (ie nationals of Bulgaria and Romania required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work)\*\*

d) a person who is a family member of a person referred to in (a) to (c) above

e) a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations f) a person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there

g) a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK. This could include EEA nationals, if the person was settled in the UK and exercising EU Treaty rights prior to deportation from the third country. Where deportation occurs, most countries will signal this in the person's passport.

A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations

The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident.

\*European Economic Area nationals are nationals of any EU member state (except the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland.

\*\*7 As of 1 May 2011, nationals of the 8 Eastern European countries (A8 nationals) which acceded to the EU in 2004 are no longer required to register with the Workers Registration Scheme in order to work in the UK. Regulation 4(2)(c) of the Eligibility Regulations no longer applies to applications from A8 workers as of that date. Rather applications from A8 workers should be considered on the same basis as those from other EU workers under regulation 4(2)(a).

(Source: Allocation of accommodation: guidance for local housing authorities in England 2012).

#### **1.4 Persons not Eligible due to Anti Social Behaviour**

There will be no "blanket vetting" of housing applications. Each application will be considered on its own merits and, where required, a risk assessment undertaken in accordance with the process defined below. **Additional eligibility indicators are defined in the table 1.5 below.**

#### **Risk Assessments and Safer Estates Checks**

There will be no "blanket vetting" of housing applications. Each application will be considered on its own merits and, where required, a risk assessment undertaken. Risk assessments will usually be undertaken on all applicants who have declared criminal convictions or those applicants for whom a safer estates check has been requested (see below).

The risk assessment may include a safer estates check which will be undertaken in accordance with the Safer Estates Agreement as exists between Northumbria Police, the 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. A copy of the agreement is available from the Northumbria Police website or on request.

A risk assessment or safer estates check may be undertaken at any time.

### **The Risk Assessment Process**

Each case will be assessed as being high, medium or low risk. Factors determining the overall risk are:

1. The nature of the offence and sentence passed.
2. Any protective factors that are in place.
3. Frequency of offending and recent behaviour.

Each factor will be considered in order to arrive at an overall risk assessment. Each factor will be considered on its own merits however the frequency of offending, how recently the offence occurred and how long improved behaviour has been sustained will probably bear the most significant influence the final assessment.

#### **1. The Nature of the Offence**

In categorising these crimes, specific consideration has been given to impact in the context of a social housing environment.

#### **High Risk Offences**

High risk offences are those that are serious enough in their nature that they intended to cause death or injury (physical or psychological) which is life threatening and/or traumatic and from which recovery is expected to be difficult, incomplete or impossible.

Examples include but are not limited to:

- Offences against the person such as making threats to kill, GBH, malicious wounding, assault with intent to resist arrest, ABH
- Firearms offences (including possession of firearm with intent to cause fear of violence)
- Robbery
- Aggravated burglary
- Burglary with intent to inflict grievous bodily harm on a person, or do unlawful damage to a building or anything in it.
- Arson (reckless or with intent)
- Violent Disorder and Affray
- Harassment (by putting people in fear of violence)
- Racially or religiously aggravated assaults or any other hate crime
- Any sexual offence
- Serious public order offences such as rioting and violent disorder.
- Drug offences such as production, supply or possession of illegal substances.

#### **Medium Risk Offences**

Medium risk offences are those that were likely to cause harm (either physical or psychological) which is traumatic for the victim or those involved or those that may have had a significant impact on the immediate or wider community.

Examples of medium risk offences include but are not limited to:

- Aggravated vehicle-taking
- Taking a motor vehicle without consent
- Handling stolen goods
- Going equipped for stealing
- Obtaining property or money by deception
- Making off without payment.
- Affray
- Intentional harassment, alarm or distress
- Harassment, alarm or distress
- Nuisance
- Public nuisance.
- Cheating the public revenue.
- Fraud and deception
- Drug offences such as production, supply or possession of illegal substances.

### **Low Risk Offences**

Low risk offences are those that have less impact on the immediate or wider community and could be termed as low level offending.

Examples of low level offences include but are not limited to:

- Some public order offences
- Some theft offences such as shoplifting
- Some criminal damage offences.
- Drug offences such as possession of illegal substances.

To assist in assessing the seriousness of the offence, consideration will be given to the nature of the sentence awarded for the relevant offence. A custodial sentence, for example, may indicate a higher risk than a community order or a fine.

## **2. Protective Factors**

Protective factors are conditions or attributes that, when present, mitigate or eliminate risk. Examples include but are not limited to licence conditions, formal support packages, stable employment and family or cohort influences.

### **High Risk**

There are no protective factors in place to mitigate risk.

### **Medium Risk**

There are some protective factors to mitigate the risk. The applicant has demonstrated a willingness to comply with risk management strategies and/or comply with treatment and has some capacity to self-risk manage.

### **Low Risk**

The balance of protective factors now substantially outweighs any risk factors. There are no current indicators of risk of serious harm.

### **3. Frequency of Offending and Recent Behaviour**

In assessing risk consideration will be given to recent behaviour and to the frequency of offending. For example, low level offending over a long period of time with numerous incidents and convictions recorded may result in an overall medium risk.

### **High Risk**

There is no recent evidence of changed behaviour or there has been no opportunity to test changed behaviour in an unregulated environment.

Police, Probation or Youth Offending have recently categorised the offender as very high or high risk or other agencies such as Children's or Adult Services have identified the applicant as very high or high to their client group.

The applicant would require long-term or ongoing risk management and intervention to sustain a tenancy.

### **Medium Risk**

There is some evidence of changed behaviour although this has not been sustained over long periods of time or without regulation or presence of protective factors.

The applicant may require some intervention to sustain a tenancy.

### **Low Risk**

The applicant has demonstrated changed behaviour over a sustained period of time, usually not less than 12 months.

Applicants who are subject to MAPPA Level 2 or 3 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.



## 1.5 Eligibility Indicators

An assessment of eligibility will be made at the point of application and prior to any offer of accommodation and may be made at any time during the lifetime of the application when circumstances arise that might prompt a re-assessment (examples include but are not limited to the annual review of an application, on receipt of new information or when a change of circumstances occur).

This is not a blanket exclusion policy and each case will be considered on its own merits. Discretion may be applied to individual circumstances. Examples where discretion could apply include, but are not limited to:

- Applicants who have been accepted by the Local Authority as being priority homeless.
- Where rent arrears have accrued because of reasons outside the applicants influence or control. For example a pending benefits claim.
- Those affected by Welfare Reform.
- Where an applicant has shown a sustained commitment to addressing outstanding rent arrears.
- Where an applicant has demonstrated improved behaviours over a sustained period of time.
- Where an applicant has a significant support package in place aimed at reducing risk.
- Applicants in urgent housing need.

Conversely, it should not be assumed that discretion **will** be applied to those meeting any of the criteria outlined above.

Ref	Definition	Type	Housing Register	Offer	Remedial Action
1	<p>Housing debts (which include rent arrears, rechargeable repairs and water rates) are:</p> <ul style="list-style-type: none"> <li>• More than £500</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• They have been accrued over a period of time that is more than 5 weeks</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• Are such that they would be sufficient to obtain a possession order or eviction.</li> </ul>	Former Debt	Ineligible	Ineligible	<p>Applicants may reapply to join the register when the Housing debt has been reduced to acceptable levels although they will remain ineligible for an offer until the debt is cleared in full.</p> <p>Existing applications will be closed.</p>

2	<p>Housing debts (which include rent arrears, rechargeable repairs and water rates) are:</p> <ul style="list-style-type: none"> <li>• More than £500</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• They have been accrued over a period of time that is more than 5 weeks</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• Are such that they would be sufficient to obtain a possession order or eviction.</li> </ul>	Current Debt	Eligible.	Ineligible	The application will not be reviewed or restricted to allow the applicant every opportunity to clear their rent account. However, refusals or offers withdrawn because of current debt may be considered as an unreasonable refusal. (See section on Unreasonable Refusals).
3	<ul style="list-style-type: none"> <li>• Non-compliance with a suspended possession order.</li> </ul>	Current Debt/ASB	Ineligible. Existing applications will be suspended.	Ineligible	Applicants may reapply 6 months after the end of the order and must be able to demonstrate improved behaviours.
4	<ul style="list-style-type: none"> <li>• The applicant, or a member of their household, has caused wilful, intentional or deliberate damage to a currently rented or previously rented property and the value is less than £500.</li> </ul>	Tenancy	Ineligible	Ineligible	Applicants may reapply when the debt is paid or, with the agreement of the landlord, when the damage has been made good.
5	<ul style="list-style-type: none"> <li>• An ASBO or injunction is in force on applicant or member of their household</li> <li><b>or</b></li> <li>• Applicant is a demoted tenant as a result of ASB</li> </ul>	ASB	Ineligible	Ineligible	Applicant may reapply to join the Housing Register 12 months after completion of the order and must be able to demonstrate improved behaviours.
6	<ul style="list-style-type: none"> <li>• Eviction or Absolute possession order has been obtained for ASB</li> <li>• Previous eviction, possession order, conviction, ASBO or injunction for racial harassment, harassment due to sexual</li> </ul>	ASB	Ineligible	Ineligible	Applicant may reapply to join the Housing Register 24 months after the eviction and must be able to demonstrate improved behaviours.

	orientation, age, physical or mental disability or other hate crime or severe harassment or domestic violence				
<b>7</b>	<ul style="list-style-type: none"> <li>Violence or threats of violence toward neighbours, staff or a person carrying out duties related to the tenancy, the property or the neighbourhood e.g. Housing Officers, Public Protection Officers, Police Officers, Social Workers, health or care workers or agents or contractors.</li> </ul>	ASB	Ineligible	Ineligible	Applicant may reapply to join the Housing Register 12 months after the incident occurred, the date of conviction or the sentence end date, whichever is most recent. In assessing the re-application, the seriousness of the offence, the length and nature of the sentence and evidence of amended behaviour will be considered.
<b>8</b>	<ul style="list-style-type: none"> <li>Criminal proceedings are pending against an applicant, or member of their household.</li> </ul>	ASB	Eligible but application will be suspended pending the outcome.	Ineligible pending the outcome.	Eligibility will be reassessed once the outcome of proceedings are verified.
<b>9</b>	<ul style="list-style-type: none"> <li>Legal action is being taken, or is threatened, against a tenancy e.g. NoSP, NoPP, NTQ, Noise abatement order served.</li> </ul>	ASB	Ineligible	Ineligible.	Applicant will remain ineligible until such time as the order or threat of action has expired or there is evidence of improved behaviour over a period of at least 6 months.
<b>10</b>	<ul style="list-style-type: none"> <li>The applicant's current home is in an unacceptable condition to the extent that it could not be let immediately to a new tenant. This includes decoration, cleanliness and the external appearance of the property.</li> </ul>	Tenancy	Eligible but with reduced priority.	Ineligible.	Applicants may apply to have reduced priority reviewed on receipt of confirmation from the landlord that the property has been returned to a lettable state. They will become eligible for an

					offer at that time.
<b>11</b>	<ul style="list-style-type: none"> <li>Applicants with criminal convictions or a history of anti-social behaviour who have been assessed as high risk (see Appendix 2).</li> </ul>	ASB	Ineligible	Ineligible	Applicants may reapply to join the Housing Register after 3 years of the risk assessment.
<b>12</b>	<ul style="list-style-type: none"> <li>Applicants with criminal convictions or a history of anti-social behaviour who have been assessed as medium risk (see Appendix 2).</li> </ul>	ASB	Ineligible	Ineligible	Applicants may reapply to join the Housing Register after 2 years of the risk assessment.
<b>13</b>	<ul style="list-style-type: none"> <li>Applicants with criminal convictions or a history of anti-social behaviour who have been assessed as low risk (see Appendix 2).</li> </ul>	ASB	Eligible but with reduced priority.	Ineligible	Applicants may apply to have their priority reassessed 12 months after the risk assessment. If the outcome is that there is no longer a risk they will be eligible for an offer and be awarded an unrestricted priority if appropriate.
<b>14</b>	<ul style="list-style-type: none"> <li>Applicants who give false information or deliberately withholding information.</li> </ul>	Tenancy/ ASB	Ineligible	Ineligible	Applicant will be excluded for a period of 12 months.

Where multiple reasons of unacceptable behaviour are evidenced which, when assessed in isolation may not lead to a determination of ineligibility or priority reduction but taken together suggest serious unacceptable behaviour, Officers can consider ineligibility or reduced priority.

In some cases an applicant may be eligible for the register but not for an offer. This is to allow the applicant every opportunity to demonstrate improved behaviour or resolve the reason for ineligibility during the period between applying and being made an offer.

It should be noted that eligible for an offer does not mean eligible for an offer of a specific property. On occasions landlords may refuse the offer of a specific property if they believe that there are risks associated. Examples include but are not limited to; a property in the area from which an applicant has previously been evicted or where the tenant or neighbours would be at risk of harm.

## Appendix 2 Spent Convictions and 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:

<b>Sentence</b>	<b>Rehabilitation period Age 18 or over when convicted</b>	<b>Rehabilitation period Age 17 or under when convicted</b>
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:

<b>Sentence</b>	<b>Rehabilitation Period</b>
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

## **Definition of Terms**

### **Regular Personnel/Regular Forces**

Individuals currently serving as members of the Naval Service (including the Royal Navy and Royal Marines), Army or Royal Air Force.

### **Reservists/Reserve Forces**

Volunteer Reservists, who form the Royal Naval Reserve, Royal Marine Reserve, Territorial Army and the Royal Auxiliary Air Force, and Regular Re-servists, who comprise the Royal Fleet Reserve, Army Reserve and Royal Air Force Re-serve.

### **Veterans**

Those who have served for at least a day in HM Armed Forces, whether as a Regular or as a Reservist.

### **Transfer Applicant**

Tenant of Homes for Northumberland, Isos, Bernicia. Four Housing.

### **Housing Register Applicant**

Any other applicant type.

### **Homefinder Partner**

Northumberland County Council, Homes for Northumberland, Isos, Bernicia. Four Housing