

# **Warrington Borough Council Housing Allocation Policy**

**2017**

*Approved by WBC Executive Board 10<sup>th</sup> April 2017*



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## **Section 1 Introduction and Background**

Warrington Borough Council no longer owns its housing stock following the transfer of its housing stock to Golden Gates Housing Trust in November 2010. This Allocation Policy, therefore, applies to all properties to which the Council have rights of nomination (whether by way of a legally enforceable arrangement or not).

The policy covers the nomination of a person to be an Assured or an Assured Short hold tenant of housing accommodation held by a Registered Provider (RP). This will be achieved via *Nomination Rights Agreements* with the RPs that operate in Warrington. Often the nomination will be to be a 'Starter Tenant' whereby the RP will grant an Assured Short Hold Tenancy for a set "probationary" period (usually 12 months) and provided the tenant successfully completes the "probationary" period the RP will grant an Assured Tenancy.

Properties to which the Councils have rights of nomination are properties owned by the following RPs:

1. Golden Gates Housing Trust (GGHT - Part of the Torus Group).
2. Helena Partnership (Part of the Torus Group)
3. Muir Housing Group
4. Plus Dane
5. Warrington Housing Association
6. Your Housing Group

The participating RPs listed above is obliged to provide Warrington Borough Council with a percentage of their annual housing vacancies. The percentage is normally 50% of vacancies with the figure for GGHT set at 75%. The Council will agree with each RP the nomination percentage and this will be published as an appendix to the policy.

This is the Council's Housing Allocation as required by Part 6 of the Housing Act 1996. Customers are able to apply for housing to the Council, or its agent, and all applications will be fully assessed. Customers are also able to apply to each RP listed in this policy. They will hold their own list and have their own rules for letting any vacant property not owed to the Council under a nomination arrangement.

Any significant changes to this policy will be approved by the full Council and will be subject to consultation with the RPs and any relevant statutory and voluntary sector organisations.

In developing this policy the Council has followed and fully considered the following housing legislation and guidance:

The Housing Act 1996, Part 6 , Part 6 as amended by Localism Act 2011 (England):

Plus the following guidance, regulations and other strategies.

Codes of Guidance England:

a. *Allocation of Accommodation: Guidance for Local housing Authorities in England* (2012, DCLG) “the Code”;

b. *Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England* (DCLG, December 2013) “Supplementary Code”.

Plus the following statutory regulations:

a. Allocation of Housing (Procedure) Regulations 1997, SI 1997/483;

b. Allocation of Housing (England) Regulations 2002, SI 2002/3264;

c. Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294;

d. Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869;

e. Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.

f. The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015

g. In framing our allocations scheme we have also had regard to the Council’s Homelessness Strategy and the Tenancy Strategy

In relation to f) above in accordance with the Right to Move statutory guidance on housing allocations for local housing authorities in England (Department for Communities and Local Government, March 2015) a target of up to 1% of nominations will be set for people looking to move for employment purposes

This policy will treat those applying to the scheme fairly and the procedure to be used will be transparent and set out in the policy or an appendix to the policy.

For people unlikely to be offered accommodation through the scheme there will be advice about alternative housing options. There will be information on the website and in written material on options such as mutual exchanges, the private rented sector, low cost home ownership and the availability of shared ownership properties.

The Council acknowledges that some customers applying to the scheme will not be eligible to register under the qualification rules due to unacceptable behaviour, such as anti-social behaviour, or significant rent arrears. The policy aims to be open and transparent as to the reasons for any exclusion and gives advice on the possible actions a customer can take to subsequently gain acceptance onto the register if they are considered to be in priority housing need.

The Council has nomination rights to a percentage of vacant properties held by the RP operating in Warrington and listed above. However, each RP may have its own rules for allocating property that are set by that RP to meet the objectives of their organisation. The Council will seek to agree an *Exclusions Policy* with each RP so that the rules are fair and transparent to customers. The objective is that where a specific policy or process applies it should be covered by a written document and made available to the public by that RP. It is the intention that the Council will provide information attached to the web version of this policy setting out any individual rules or processes that may be applied by each individual social housing provider operating in the Borough.

### **Aims of the Scheme**

The main purpose of the policy is to meet the requirement under section 166 A (1) Housing Act 1996 England that requires every local housing authority in England to have an allocation for determining priorities, and as to the procedure to be followed, in allocating housing accommodation. For this purpose 'procedure' includes all aspects of the allocation process, including the persons or descriptions of persons who takes decisions.

In developing this policy the Council has agreed the following aims:

1. To provide an offer of social housing as quickly as possible to people assessed as being in housing need in order to resolve that need.
2. To reduce the use of temporary accommodation for homeless applicants in Warrington and to assist with helping people in housing need find solutions by making customers aware of their potential housing choices and the alternative options available to them such as the private sector, low cost home ownership.
3. To ensure the lettings service embraces equality and diversity by being open and fully accessible to all individuals and to provide support to more vulnerable customers where required.
4. To improve the means by which local people gain access to social rented housing by providing an easy to understand allocation system that is fair, transparent and accountable.

### **Statement on Choice**

The Council wishes as far as possible to give choice to customers who are looking to obtain housing in the social rented sector. However, this must be set against the

need for the Council to resolve a person's housing situation urgently e.g. homeless households to whom there is a statutory duty to house, households at risk of violence etc. Therefore, in certain circumstances choice may be limited.

The housing pressures faced in Warrington limit the degree of choice that the Council is able to offer and the responsibilities it has to some groups in urgent housing need. The Council believes that any applicant considered to be eligible under this Scheme should be able to express a preference over the type of property and the area in which they would like to live. However applicants should be aware that the Council's ability to satisfy their expressed preference might be severely limited.

The Council, or its agent, will ask an applicant to state those areas where they believe they cannot live due to fear of violence, harassment or domestic abuse. The Council, or its agent, must be satisfied such factors exist and that it is reasonably necessary to nominate accordingly taking into account these concerns. This will be a decision based on the facts available.

For applicants who are considered to be in urgent housing need the Council will allow one reasonable offer of accommodation to be made. Customers who have been offered suitable accommodation and refused that offer will receive reduced preference status for 12 months.

**Note:** Those households 1) accepted as statutorily homeless and owed a duty to house; or 2) have been granted homeless status under section 166A(3) (a) (people who are homeless within the meaning of Part VII of the Housing Act 1996) will lose their priority status banding if they refuse a suitable offer of accommodation. Unless they have another reason to awarded priority banding they will then no longer qualify to be included on the register. The offer of suitable accommodation made will also bring to an end any statutory homeless duty to any of these applicants owed a section 193(2) or 195(2) and they will be warned of this consequence at the point the property is formally offered to them

For applicants not considered to be in urgent housing need, the Council will allow a maximum of three offers of housing before terminating the application on the Register. Applicants who have had their application terminated in this way will only be allowed to re-apply after 12 months.

If an applicant does not reply to an offer within 2 working days of receiving the offer it is deemed to have been refused and the property will be offered to the next customer on the register who qualifies for that offer.

### **Equality, Accessibility and Monitoring**

Warrington Borough Council is committed to ensuring that its policy and procedures in the letting of property are non-discriminatory and that all customers are able to access the service especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010.

To identify the needs of our customers the application form will have specific questions relating to vulnerability, ethnic origin, sexual orientation, disabilities and other relevant criteria. This information will be used to monitor the impact of the policy on minority and specific needs groups and to make such amendments, as may be required, to ensure no group is disadvantaged by the policy.

Under the Equality Act 2010 and in particular section 149 of the Public Sector Equality Duty, Local Authorities are required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, in their exercise of a public function.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Council or its agent will ensure that its policy complies with the current equality legislation and with the relevant statutory codes and guidance. The new policy has been subject to an Equality Audit and this will be regularly reviewed.

The Council or its agent will ensure that the system is as accessible as possible to any applicant. Customers will be required to apply on-line, but for applicants that cannot use, or have difficulty in using, or lack confidence in using an on-line application process they will be offered an application interview and given support to apply.

The ICT system will be used to monitor who is applying for housing and who is receiving any offer of housing. The outcomes for customers identified as having specific needs or who meet the definition of a protected characteristic under the Equality Act will be monitored regarding the outcomes for applications to join the register and offers of social housing.

The Council will monitor the policy and outcomes to ensure that it is meeting all legal requirements and that the aims and objectives set for the policy are being met. Monitoring will be used to ensure that:

- Those in the 'reasonable preference' categories are given priority for housing
- The Council is complying with its Equality Act duties
- There is overall customer satisfaction with the scheme, as determined by the Council or its agent.

### **Information Sharing, Confidentiality and Data Protection**

Information received in relation to a customers application will be treated in confidence in accordance with the Data Protection Act 1998. Confidential Information held about customers will not be disclosed to third parties apart from:

- Where the individual has consented to the disclosure
- Where the Council, or its agent, is required by law to make such a disclosure

- Where disclosure is made in accordance with a recognised Information Sharing Protocol or for reasons of public protection

The Council will seek to develop *Information Sharing Protocols* with the RPs operating in Warrington to enable consistency, and good working practices, where nominations are being made to vacant properties. The Council have certain duties under the Freedom of Information Act (see below) with which it will comply. This duty does not apply to RPs.

## **Right to information**

The Freedom of Information Act 2000 makes it a requirement for every public authority to produce a Publication Scheme which sets out all the information it makes available to the public, and whether copies of that information are available free of charge. The Publication Scheme includes information that the Council is legally obliged to publish and other voluntarily published documents.

The Scheme is also intended to assist in developing a culture in which openness and transparency are encouraged which supports the requirements of the Local Government Act 2000.

For more information on the Publication scheme you can write to  
The Publication Scheme Officer  
Warrington Council  
New Town House  
Buttermarket Street  
Warrington  
WA1 2NH

## **Complaints**

Complaints should first be made using the Council or its agents complaints procedure. A copy of the current procedure is available on the Council's website.

A customer still has the right to continue with their complaint to the Ombudsman service.

The Local Government Ombudsman is an independent service run by central government to make sure that Local Authorities provide the required standard of service to their customers.

The Ombudsman can investigate complaints about how the Council has done something but they cannot question what has been done simply because someone does not agree with it.

The Ombudsman will normally deal with a complaint if a customer feels they have been treated unfairly as a result of maladministration.

For example, if WBC has:

- Delayed taking action without good reason

- Taken into account facts which are not relevant or ignored facts which are relevant
- Not followed their own rules or complied with the law
- Not taken action that they had promised to
- Given a customer the wrong information
- Not reached a decision in the correct way

The Ombudsman will not normally investigate:

- ✓ Until after the Council has had the opportunity to review its decision (normally by going through the complaints process)
- ✓ Matters which have been, are, or could be dealt with by the courts or the internal review procedure
- ✓ Matters which the customer was aware of more than twelve months before making the complaint
- ✓ The aim of the Ombudsman is to ensure that the Council put right any wrongs which may have been done to the complainant and to ensure that things are done right in the future.

All complaints to the Ombudsman must be in writing. Applicants can request assistance from their local Councillor or get another advocate to write on their behalf. The contact details for the Local Government Ombudsman for the Cheshire area are:

Local Government Ombudsman

PO Box 4771

Coventry CV4 0EH

Tel: 0300 061 0614.

You can also text 'call back' to 0762 480 3014.

Fax: 024 7682 0001

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

## **Section 2 Who can apply?**

### **Who can apply?**

Anyone over the age of 16 is eligible to apply for social housing if their current address is their only home, or sole residence, and they are not already registered on someone else's housing application.

However, only the following groups will qualify to be included on the register:

- 1) Any person aged 16 or 17 who is homeless or a care leaver and is fully supported by the Council's Children & Young People's Services and who meets the need criteria to be included in the priority band. In law, a minor cannot hold a legal estate in land. Therefore, if the applicant is aged between 16 and 17 years old, they may be required to by their prospective landlord to provide details of a trustee and/or a guarantor before they can actively be considered for housing. The trustee/guarantor can be an appropriate adult or social care services. The Council will ensure that advice to 16 and 17 year olds on trustees and guarantors is made available, to ensure that they are not prevented from accessing housing.

**All homeless 16/17 year olds will be required to have a Joint Assessment with Housing and Children and Young People's Services before any accommodation is provided.**

- 2) Any person 18 years or older who meets the eligibility and qualification rules. The rules include the requirement for the person's housing need to meet the criteria to be registered in the appropriate banding (Bands 1 and 2).

### **The Eligibility And Qualification Rules Set Under The Policy**

Where a person applies but is deemed to be ineligible due to the application of the Government's rules for allocating housing accommodation to persons from abroad or persons subject to immigration control they will not be able to join the register. The rules are complicated and anyone who is impacted or believes they may be impacted by the rules can approach the Council for advice on the rules.

The Council cannot nominate a person for housing if they are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control or a person from abroad who is prescribed as ineligible shall not be allocated housing accommodation: s.160ZA (1), (2) and 4): The relevant Regulations that the Council applies are Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294.

Local housing authorities may only allocate accommodation to people who are defined as 'qualifying persons' (s.160ZA (6)(a)). Under section 160ZA(7) the Council has been granted the power by the Government to decide the classes of people who

are, or are not, qualifying persons. The Council policy includes criteria where the Council will classify certain individuals and groups as people who are not, qualifying persons.

The Council has adopted the following non-qualification criteria and how these will be applied is fully set out below.

### **Owner-Occupiers**

Qualification for applicants who are owner-occupiers will be assessed in accordance with the following criteria, which will take into consideration any financial resources and their housing circumstances and needs.

(i) Applicants whose housing needs do not meet the criteria for a priority banding will, as with all other applicants, be deemed not to qualify for the register.

(ii) Applicants assessed, as meeting the criteria for priority banding will be subject to the following test:

Do they have the financial resources to meet their own housing needs? If the assessment is that they do not have the financial resources to meet their own housing needs they will be placed in the priority band. There may be a requirement for the owner occupier to sell the property. Each case is subject to assessment on its own merit.

The effective date of registration will be from when the home is sold. Sold is defined, as contracts have been exchanged between all concerned parties. The Council may choose not to apply this criteria where the applicant or a member of their prospective household despite having the financial means to resolve their housing situation cannot resolve the situation in a reasonable period of time and their housing needs are so extreme as to require immediate re-housing. For example, if the owner-occupier is elderly disabled or has a mental health problem and their property is likely to give rise to an imminent serious risk of harm and they do not have the financial means to carry out essential repairs.

### **Applications from those with the financial means to resolve their own housing**

Households with a joint income of more than £60,000 or capital assets of more than £24,000 will not qualify. The Council, or its agent, may choose not to apply this criteria where the applicant or a member of their prospective household despite having the financial means to resolve their housing situation cannot resolve the situation in a reasonable period of time and their housing needs are so extreme as to require immediate re-housing.

### **Serious behaviour or former rent arrears: the rules that will be applied**

This will apply where an applicant, or any member of their current or prospective household, has a history of serious behaviour or former rent arrears which, in the view of the Council, or its agent, makes them unsuitable to be a tenant. This includes, but is not limited to, where:

- They, or any member of the household, have assaulted a member of staff and an injunction is being sought or has already been obtained
- They, or any member of the household, who have knowingly given false or misleading information, or withheld information, that has been reasonably requested
- Non-qualification due to the level of former or current rent arrears and/or any recoverable housing related debt. (See below for how these rules will be applied)
- Non-qualification due to serious behaviour including non-compliance with a current or former tenancy agreement. (See below for how these rules will be applied).

***1 – Applicants with current or former rent arrears or any recoverable housing related debt.***

This would include current or former rent arrears regardless of tenure (including temporary accommodation arrears), a financial claim due to damage to a former social housing property or legal costs arising from court action in connection with a current or former tenancy. Property related debts apply to both the applicant and members of their household.

The following procedure will be applied when assessing such cases:

- The Council, or its agent, will consider whether the applicant still owes arrears/debt, and if they do, the extent of the arrears/debt and whether any housing related debt is recoverable.
- Any recoverable arrears/debts of over £500 will normally disqualify the applicant. However, this decision will be based on:
  - Whether there are very exceptional circumstances and only if there are very exceptional circumstances the Council, or its agent, may decide not to disqualify the applicant but to allow qualification and reduce the applicant's priority.
  - The Council, or its agent, will also consider whether the claimant has taken debt advice, acted on it, and entered into and begun to implement any arrangement to clear the arrears.
  - The Council, or its agent, will also consider whether an arrangement has been made, the amount of arrears paid off, any debt outstanding, and the regularity of any payments made.

After applying the above procedure concerning rent arrears or housing related debt, the Council, or its agent, will decide whether a person whose housing needs would qualify them for an award of priority banding will be disqualified from being allowed to be on the Housing Register.

Where the current or former rent arrears or any recoverable housing related debt is over £500 is in existence the applicant will normally be disqualified (see above for how exceptional circumstances will be considered) and will not be able to qualify on any subsequent application until such time as they have:

- (i) Entered into a repayment plan
- (ii) Made a minimum of 13 consecutive weekly payments, at an agreed level; and

(iii) Repaid a minimum of 25% of the debt.

This process can only be circumvented where the debt is repaid in full. In order to encourage good financial management and discourage applicants from using doorstep lenders, who may charge excessively high interest rate loans, lump sum payments of above 25% of the total debt owed would not apply unless the 13 week minimum re-payment period has been satisfied.

Applicants with a housing related debt up to £500 will be allowed to qualify if their housing needs or circumstances qualify for a priority band award but they may be awarded reduced preference (depending on the level of debt) and may only be considered for housing providing that they had agreed and were actively following a repayment plan. Adherence with the plan would normally be considered to be adherence with a repayment plan over a 13 week period. This process can only be circumvented where the debt is repaid in full. In order to encourage good financial management and discourage applicants from using doorstep lenders, who may charge excessively high interest rate loans, lump sum payments of above 25% of the total debt owed would not apply unless the 13 week minimum re-payment period has been satisfied.

The Council, or its agent, will consider any new application to join the register at any time but the applicant will only be allowed to qualify if the Council, or its agent, is satisfied that appropriate action has been taken by the applicant to address the debt or arrears and the applicant's housing needs or circumstances qualify them for an award of priority banding.

***2 – Applicants guilty of serious behaviour including non-compliance with a current or former tenancy agreement:***

This applies where the Council, or its agent, is satisfied, having considered all available evidence, that an applicant (or a member of their current or prospective household) has:

- 1) Failed to adhere to the terms of any current or previous social housing or private rented sector tenancy agreement. This includes failing to maintain any previous social rented or private sector rented property within the terms of their tenancy agreement, or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality of where they live or where they previously have lived. Non-qualification will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the Council or its agent, that circumstances have changed such that the previous conduct is unlikely to reoccur. In many cases this could include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour.
- 2) Conduct likely to cause nuisance or annoyance – this is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy agreement. This includes where an applicant or a member of their current or prospective household is the subject of actions being taken by the Council, its agent, or some other competent body on grounds of alleged Anti-Social Behaviour (ASB).

- 3) Any new application will normally only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of 12 months.

### **Applicants who are registered but have refused offers of suitable accommodation.**

#### **Applicants in Band 1**

- Where an applicant has refused one offer their application will qualify for reduced preference for 12 months, to enable them to receive a further offer (except statutory homeless applicants).
- Where an applicant has refused 2 offers of suitable social housing they will no longer qualify to remain on the register for a period of 12 months.

#### **Applicants in Band 2**

- Where an applicant has refused 3 offers of housing their application will be removed from the Register and they can only apply again after 12 months.

### **Applicants who do not qualify for the Register**

Where a person is deemed not to qualify they are able to when seeking a review make a case as to whether their circumstances are exceptional and this will be considered under the review. The Council or its agent, as part of the review process, will fully consider the Equality Act duties placed upon the Council and will specifically consider

- a) Whether the person, or a member of their household that they wish to be housed with them, meets the definition for one or more of the 9 protected characteristics in listed in the Equality Act 2010
- b) If the Council or its agent agrees that the applicant or a member of their household comes under the definition for a protected characteristic it will fully comply with section 149 of Equality Act 2010 and ensure that it has obtained all relevant information relating to the applicant's protected characteristic and will consider, if the decision were to be made on review that they do not qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with the protected characteristic.
- c) Any decision on review that the applicant's circumstances are not exceptional and that the applicant does not qualify will be a decision that is a proportionate means of achieving a legitimate aim.

### **Further information on applications**

#### **Joint Applicants:**

Joint applications will be accepted and will be treated as one application. The housing need of the full household will be considered in assessing housing need.

However, in relation to the RPs that the Council or its agent will make nominations to the individual RP will decide whether to allow a joint tenancy depending on their own rules.

### **Households with access to children/joint custody**

Only the applicant's own children, where the applicant is the sole legal guardian, will be accepted as part of the household. Where there is another legal guardian, a decision will be made on a case-by-case basis to agree whether it is reasonable to accept the child as part of the household on the application.

Reasonable evidence of dependent children will be accepted which will include, but is not limited to, the following:

- A statement of child benefit award
- A bank statement showing payment of child benefit
- Written evidence from Children's Social Care or other statutory bodies

### **Section 3: How to apply**

To join the Warrington Housing Register customers need to complete an on-line web application form.

Customers will be required to sign a declaration to:

- Confirm that the information given is correct and that they will notify the Council or its agent of any change in their circumstances.
- Give consent to allow enquiries to be made concerning their eligibility for housing and level of priority.
- Give consent to allow information to be provided to another partner organisation in the scheme.

Assistance is available for any customer who has difficulty in completing the on-line form. Applicant's who cannot use; or have difficulty in using; or lack confidence to use the on-line application system can on request be offered an interview and given support to apply.

It is the responsibility of the applicant to provide the Council or its agent with all the information and to provide any supporting information or documents as requested on the on-line application form and the questions asked. The applicant must fully comply with any request subsequently made by the officer assessing the application for further information or documentation. Incomplete applications will not be made active until such time as the Council or its agent is satisfied that it has in its possession all of the information it requires to complete its assessment. All incomplete applications will be cancelled after a period of 28 days of inactivity from the applicant from the date information has been requested and not been provided. This cancellation does not prevent the applicant making a subsequent application at a later date, although all applicants should note that in such cases the effective date of registration would not be backdated to the earlier application date.

The Council will not require a reference from an applicant's current or previous landlord to apply to join the register. However, they should be aware that the RPs may request references before agreeing to make any offer of accommodation once a person has been nominated.

#### **Police checks/information**

In the interests of community safety, all applicants and members of their prospective household will be required to disclose any pending court cases or unspent criminal convictions. Where the information is disclosed the Council or its agent may seek further information to ascertain whether the applicant should be disqualified from joining or remaining on the register due to serious unacceptable behaviour and/or because depending on the facts they may pose a serious risk to a community where they might be housed.

Where a customer indicates on their form that they have an unspent criminal conviction a Disclosure and Barring Service (DBS) a check may be sought about the offence. This will be done to establish whether the person has been involved in a

serious crime(s) that may come under the unacceptable behaviour non-qualification criteria.

Information gained will not automatically exclude an applicant from the register. It may also be used to make informed decisions about any nomination for vacant property.

### **Notification of Registration**

When an application is accepted onto the register the customer will be informed in writing\* and provided with the following information:

- Whether they qualify for the register and if not why not
- If they do qualify they will be informed in the notification of their registration date and their registration reference number

*\*Please note that 'in writing' will include all electronic messaging: email, web messages, text messages etc.*

### **The requirement to inform the Council, or its agent, of any change of circumstances**

It is the responsibility of the applicant to inform the Council or its agent of a change of circumstances and, where requested, provide proof of the change. Notification of a change in circumstances should be done without undue delay and within 2 weeks of the change. Examples of a change in circumstances include but are not limited to:

- (i) A change of address or contact details, for either themselves or members of their prospective household;
- (ii) A change in their medical condition or disability (either existing or newly acquired);
- (iii) Additional family members or other people they wish to add to their application (It will be for the Council, or its agent, to decide whether they will allow additional people to join the application);
- (iv) Any family member or any other person on the application who has left the accommodation; and
- (v) Any significant changes in income, savings or assets, which is likely to have a material effect on the application.

It does not follow that every change in circumstance will result in a change in priority. However, a change may mean an applicant qualifies for additional preference or may mean that an applicant no longer qualifies for the priority band. The Council, or its agent, will verify and assess the extent of the change to ascertain whether this will result in a change in priority. Applicants will not actively be considered for housing whilst the change of circumstance is being verified and the Council, or its agent, will

endeavor to assess the change as quickly as possible with timescales agreed between the Council or its agent.

### **Reviewing the Register**

Each customer on the Housing Register will have their application reviewed annually. This may be based on an annual review date or a rolling review 12 months from the applicant's date of registration. Written communication (including forms of electronic messaging) will be sent to all customers requesting confirmation of their current circumstances and that they wish to remain on the register. If a reply is not received within 28 days of the date sent the application would be cancelled.

### **Cancelling Applications**

An application will be cancelled from the housing register in the following circumstances:

- i. At the customers request.
- ii. If the customer becomes ineligible for one of the qualification grounds.
- iii. When the customer has been housed.
- iv. On failure to reply to a review letter or requests for further information within a given time period (to be determined by the Council or its agent).
- v. Where it is discovered that the customer has given false or misleading information.

In circumstances (ii) and (v) the customer will be notified in writing and informed of the reason why their registration has been cancelled and of their right to request a review of that decision.

### **Giving False Information**

Under section 171 of the Housing Act 1996 it is a criminal offence for anyone applying for housing from a housing authority to knowingly give false information or to withhold information relevant to their application. An offence is also committed if a person allows a third party to provide false information on their behalf.

Customers who are found to have withheld or given false information may be removed from the register and will not be able to reapply for a period of 12 months. Decisions to remove the person from the register will be made based on the seriousness of the false information given and an assessment of why the information was withheld.

### **Deliberate Worsening of Circumstances**

Where there is evidence that a customer has deliberately made their housing situation worse in order to gain a higher priority on the register, they will be assessed based on the circumstances before their situation changed.

Examples of this are:

- Customers who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- Customers who have moved from previously suitable or more suitable accommodation which it was reasonable for them to continue to occupy, into a less suitable property.
- Homeowners who have transferred their property to another family member within the last 5 years from the date they make their application to the Register.
- Giving up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household;
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit;

## Section 4: How housing need is assessed

### Priority for a housing nomination

#### Applicants in Band 1

- **Reasonable Preference** – an urgent need for housing
- **Additional Preference** – a need for housing which is very urgent
- **Reduced Preference** – a need for housing but where the applicant has circumstances that mean they have a lesser priority because they may be intentionally homeless or have no local connection.

#### Applicants in Band 2

- Anyone aged 18 or over who is eligible and qualifies can join the Housing Register. (Refer to Section 2, Who can apply?)

Local Authorities are required by Section 166A(3) law to determine the priority to be awarded for applicants who would qualify for the register. The law, as it applies to Local Authorities, requires that **reasonable preference** for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). In addition the Warrington scheme gives additional preference to those customers where the Council or its agent is satisfied that they have exceptionally urgent housing needs.

This Policy operates a two band system to capture all applicant's who meet the criteria set locally for one of the statutory reasonable preference groups. At Appendix 1 to this policy is a summary table of what circumstances will be awarded Band 1 and Band 2. It is only a summary table and the full definition for the criteria used to award the priority band is set out below.

### Waiting Time

Priority within each Band is determined by the length of time the application has been placed in that Band. This is the date of registration. Nominations to any RP vacancy will be by the date registered in the band but there will be exceptions to this procedure and examples are set out below.

### Exceptions to the nominations by waiting time procedure.

In some circumstances a nomination will be made to a registered applicant outside of the 'time registered' procedure. This is where there is an urgent need for an individual household to be housed or where there is an operational or financial need to house certain categories of applicants. In these circumstances approval will be sought from a senior officer of the Council or its agent.

### Applicants awarded additional preference (urgent or emergency need for accommodation)

Where an applicant has been given additional preference due to their exceptionally urgent need for housing they will be placed at the front of the priority band and made an offer of housing as soon as possible. The additional preference criteria is set to keep the number of cases awarded additional preference to a minimum so that the vast majority of nominations are made to applicants registered in date order of registration. This is important so the public have confidence that the new allocation policy is a fair with a queue based on the date the person joined the register.

In addition there may be circumstances where there are urgent operational or financial reasons to nominate certain individuals or categories of applicants for an offer of housing.

The qualifying criteria for additional preference and for the circumstances where there are urgent operational or financial reasons to nominate individuals or categories of applicants is set out below. The full detail for when additional preference will be awarded is set out in the detailed section of the policy explaining when additional reference and reasonable preference will be awarded.

This is not an exhaustive list but examples of these instances are:

- People that need to move due to a fire or flood, or severe storm damage to their home.
- People who are at imminent risk of violence and are to be housed through a witness protection programme.
- People who it has been agreed must be housed urgently as part of a for example – a multi-agency protocol such as a MAPPA, MARRAC case or a protocol between the Housing and Social Care Sections of the Council where there is a need agreed between housing and social services to provide a specific property for a vulnerable individual.
- Where an applicant is homeless and in temporary accommodation that would not be suitable for more than a short period of time or where the Council needs to move applicants out of temporary accommodation to manage the budgetary impact on the Council as a whole.
- Where a vacant adapted property or a property designed to disability standards becomes available it may be offered to those customers with a need for this property type regardless of the date they were registered.

### **Homeless Households**

Households who are found homeless or at risk of homelessness, in priority need and are unintentionally homeless, and, to whom a Local Authority has a duty under Part VII of the Housing Act 1996 will be placed in the priority band. However, the Council may also choose to use the provisions of the Localism Act 2011 to discharge its duty through a 12 month Assured Shorthold Tenancy (AST) in the private sector.

Homeless households found homeless or at risk of homelessness, in priority need and are unintentionally homeless will be considered for a nomination to a suitable property with immediate effect subject to suitable properties being available. An offer of suitable accommodation will be made as soon as possible and will be made in accordance with the Housing Act 1996 Part 7, Statutory Guidance and the various

Suitability of Accommodation Regulations The Council, or its agent, will consider the applicant's preferences as to where they would prefer to live but will not be bound by them (see section on offering choice).

Customers who have been found intentionally homeless will be given reduced preference by virtue of the action that led to the intentional homeless decision and placed at the bottom of Band 2. Applicant's on the register to whom a main section 193(2) or 195(2) duty under Part 7 VII of the 1996 Housing Act is owed, but that duty is not owed by Warrington Borough Council, will be given reduced preference and placed at the bottom of the band. They will only be considered for a nomination once all other applicants on the register requiring property of that size have been considered for a nomination.

## **Band 1 Applicants**

The detail for the award of additional preference, reasonable preference, and reduced preference

The law requires Local Authorities to give reasonable preference for housing to certain categories of households. The statutory reasonable preferences categories are set out in section 166A(3) (a) to (e) of the Housing Act 1996 (as amended) and are:

- (a) People who are homeless (within the meaning of Part 7);
- (b) People who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such 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 any grounds relating to a disability); and
- (e) People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)"People who are homeless, as defined by Section 175 Part VII of the 1996 Housing Act.

In framing this allocation policy and to ensure that those in greatest need are given preference for an allocation of accommodation, the Council has taken into account the categories of people that must be given reasonable preference and will if there is an exceptionally urgent need to be housed grant some applicants **additional preference**. The full criteria are set out below.

### **Reasonable preference category S166A (3)(a) – people who are homeless within the meaning of Part VII of the Housing Act 1996**

#### **Circumstances when additional preference will be awarded**

There are no additional preference criteria for this category

#### **Circumstances when reasonable preference will be awarded**

Customers assessed, as meeting the criteria for this reasonable preference category will be.

- a) People who are homeless and have been found by the authority not to be in priority need.
- b) People where it has been verified by the authority that they are rough sleeping in Warrington.
- c) Households at risk of homelessness within 56 days \* *see note below* and whom the Local Authority considers is likely to be found in priority need. Customers in this category do not need to have made a homeless application to the Council or wish to pursue a homeless application if one would be triggered according to the legal test. However, they do need to have had a Housing Options Interview.
- d) Applicants who live in accommodation that is a moveable structure, like a caravan, but there is no lawful place they can lawfully place it and live in it.
- e) Applicants who have made a homelessness application and have been determined by any Council to be homeless but have been found intentionally homeless. Note: those found intentionally homeless may be given reduced preference or be made ineligible by virtue of the actions that have led to the intentional homeless decision.

***Note for the risk of homelessness within 56 days criteria***

The Local Authority will award the reasonable preference housing need band to those at risk of homelessness in the following circumstances:

- The customer is likely to be found to be in priority need if they became homeless and made a homeless application or wished to pursue a homeless application that would be lawfully triggered under the legislation
- And, the Council considers that they are at risk of being homeless (within 56 days) but only where the authority is satisfied that nothing can be done to resolve the problem. It would also include people living at home where it is assessed any arrangement to deal with the threat of homelessness may only last for a short period of time.

**Reasonable preference category 166A(3) (b) – people who are owed a homelessness duty by the local authority under Part VII of the Housing Act 1996**

**Circumstances when additional preference will be awarded**

There are no additional preference criteria for this category. However, where an applicant is homeless and in temporary accommodation that would not be suitable for more than a short period of time, or where the Council needs to move applicants out of temporary accommodation to manage the budgetary impact on the Council as a whole the Council may decide to make an immediate nomination.

**Circumstances when reasonable preference will be awarded**

Applicants assessed as meeting the criteria below will be placed in the priority band. The Local Authority may however, discharge any homeless accommodation duty owed by way of to a 12 month Assured Shorthold Tenancy (AST) into the private sector in accordance with the Localism Act 2011.

Customers who will be given this preference are:

- a) People who have been accepted as being owed the full homeless duty under section 193(2) by Warrington Borough Council - those who are deemed homeless, in priority need and unintentionally homeless.
- b) People who are in priority need and Warrington Borough Council has accepted that it owes the household a duty under section 195(2) as being threatened with homelessness in the next 28 days, and the Local Authority is taking steps to try and prevent that homelessness from occurring.
- c) Applicants on the register to whom a main section 193(2) or 195(2) duty under Part 7 of the 1996 Housing Act is owed but that duty is not owed by Warrington Borough Council but by another Council. These applicants will be given reduced preference and placed at the bottom of the band. They will only be considered for a nomination once all other applicant's on the register requiring property of that size have been considered for a nomination.

### **Reasonable preference category 166A(3) (c) - people occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions**

#### **Circumstances when additional preference will be awarded**

Customers will be awarded additional preference in the following circumstances:

- a) Households living in conditions which give rise to an imminent risk of serious harm and where the Local Authority has served a Prohibition Order under Part 1 of the Housing Act 2004.
- b) Excessive Overcrowding i.e. Where a Local Authority officer has made an assessment using the Housing Health and Safety Rating system and concluded there is a serious high risk of harm due the impact of severe overcrowding.
- c) Demolition or Compulsory Purchase Order. Where the applicant's property is subject to demolition or subject to a Compulsory Purchase Order for redevelopment.
- d) Applicants without access at all to any of the following facilities. No access to:
  - a. A bathroom or kitchen
  - b. An inside toilet
  - c. Hot or cold water supplies, electricity, gas or adequate heating.Applicants who have access to shared facilities in shared accommodation will not qualify under these criteria.

Note 1: For tenants of a RP in Warrington or beyond or of another local authority council accommodation the imminent risk of harm will be assessed taking into account the responsibility on that landlord to resolve the problem or transfer the tenant immediately. Therefore, only in an absolutely exceptional case will additional preference or reasonable preference be awarded.

Note 2: The assessment applied by the Council will be to consider the facts and information received from the applicant and from any other Council department (such as the private sector housing enforcement team) or from any other organisation and will apply the following test.

**Assessment check 1:** The officer will decide on the facts known what the seriousness of the impact is on the applicant and, or, any member of the household – the typically impact could be on the applicant's health for example.

**Assessment check 2:** Then the officer will consider what can be done to 1) immediately lessen or remove the impact and 2) in the near future to lessen or remove the impact e.g. action that can be taken by a landlord or Environmental Health to resolve

**Assessment check 3:** The officer will assess the new likely impact following any actions that can be carried out immediately and in the near future to lessen or remove the impact and will decide if there is still an imminent risk of serious harm.

### **Circumstances when reasonable preference will be awarded**

Customers will be awarded reasonable preference in the following circumstances:

a) Older people living in flats in the private rented sector or with flats above ground floor with no lift. (Older people are determined to be people at or over State Retirement Age).

b) Where an officer from the Council has determined that a private sector property (tenanted) contains one or more serious Category 1 hazards as defined by the Housing Health & Safety Rating System that are having a severe impact on the household. The award is made in respect of a significant risk to the health and well being of the occupant(s), and where there is no prospect of the issues being remedied in a period of time that the Council considers reasonable.

c) Applicant's living in overcrowded conditions and whose housing circumstances have been assessed as being 2 bedrooms short of what they need.

The standard used to assess overcrowding is as follows:

A separate bedroom should be allocated to the following persons:

- ✓ A person living together with another as husband and wife (whether that other person is of the same sex or the opposite sex).
- ✓ A person aged 16 years or more.
- ✓ Two persons of the same sex aged less than 16 years.
- ✓ Two persons (whether of the same sex or not) aged less than 10 years.
- ✓ Any person aged less than 16 years in any case where he or she cannot be paired with another occupier.

Please note the following:

Applicants who come under the deliberately worsening their circumstances criteria set out in section 2 will not be given reasonable preference.

Children will only be included in the overcrowding calculation at their main place of residence.

Tenants of RPs within Warrington or elsewhere who are overcrowded or under occupy a family home and are financially impacted by the Spare Room Subsidy rules the Council will assess their case and the impact on them by taking into account the responsibility on that landlord to resolve the problem or to transfer their tenant to resolve the under-occupancy impact or the overcrowding. Therefore, only in an absolutely exceptional case will additional preference or reasonable preference be awarded.

### **Reasonable preference category S 166A (3) (d) – people who need to move on medical or welfare grounds including grounds relating to a disability**

#### **Circumstances when additional preference will be awarded - Medical or disability grounds**

An applicant who has an extremely urgent and immediate need to move for medical reasons or due to a disability, which is being exacerbated by their current housing situation will be awarded additional preference and placed at the top of the list.

An officer of the Council, or its agent, in the assessment team will make the assessment. Any officer will have received training on assessing such cases. They will assess cases according to clear criteria. The assessment will not be of the customer's health but how their accommodation affects their health. The criteria to be used to assess cases will be attached as an appendix and an on-line link to the final version of this policy. For more serious cases evidence may be required from an Occupational Therapist, Doctor or Consultant.

The following are examples of cases that may qualify for additional preference priority. It may apply to the applicant or a member of their household:

- 1) An immediate life threatening condition which is seriously affected by the current housing and where re-housing would make it significantly easier to manage
- 2) A serious illness, is currently receiving palliative care and urgently requires rehousing to facilitate the on-going provision of this care;
- 3) A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care;
- 4) The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g. applicant has severe mental health problems that are significantly exacerbated by their accommodation;
- 5) A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities or have difficulty accessing facilities inside and outside of their accommodation and requires rehousing into accommodation suitable for their use;
- 6) Where their current property leaves a person at risk of infection, e.g. where an applicant is suffering from late-stage or advanced HIV infection
- 7) A member of the household cannot be discharged from hospital until a suitable adapted property is provided.

- 8) Due to limited mobility a person is unable to access essential parts of the property e.g. bathroom/toilet and requires re-housing into accommodation suitable for their use.
- 9) A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.
- 10) Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability he or she, or a member of their household, has sustained as a result of service.
- 11) People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care.
- 12) The applicant or household member requires significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective.

### **Circumstances when reasonable preference will be awarded on medical or disability grounds**

Customers whose housing is unsuitable for severe medical reasons, or due to a disability, but who are not housebound, or whose health, or safety is not at such a risk level to require immediate urgent housing will be awarded reasonable preference priority if they meet the criteria set.

Their housing conditions will need to contribute to causing serious ill health. Their circumstances will be assessed in the same way as for the additional preference category above. An officer of the Council, or its agent, in the assessment team will make the assessment. Any officer will have received training on assessing such cases. They will assess cases according to clear criteria. The assessment will not be of the customer's health but how their accommodation affects their health. The criteria to be used to assess cases will be attached as an appendix and an on-line link to the final version of this policy. For some cases evidence may be required from an Occupational Therapist, Doctor or Consultant.

The criteria to be used to assess cases will need to be attached as an appendix or an on-line link to the final version of this policy. For more serious cases evidence maybe required from an Occupational Therapist, Doctor or Consultant.

The following are examples that may qualify for the reasonable preference priority:

- 1) Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without settled accommodation.
- 2) A person whose disability means that re-housing would enable them to overcome physical barriers created by their current accommodation e.g. stairs and steps.
- 3) A person with a severe disability requiring substantial adaptations to a property not provided for in their current accommodation.
- 4) A person with a terminal illness or long term medical debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support.

## **Circumstances when additional preference will be awarded on welfare grounds.**

### ***1 - Domestic abuse, extreme violence or extreme harassment.***

Applicants who need to move immediately due to domestic abuse, extreme violence or extreme harassment will be awarded additional preference. This includes hate crime, disability, racial, homophobic or transgender harassment and will be awarded for exceptional circumstances where there is a high risk to the tenant or their family's safety if they remain in the property/area and they therefore require an immediate move.

The assessment will be made by a senior officer within the Council and will be based on evidence provided by the customer and other appropriate statutory and voluntary agencies. This would include, the Police, Social Services, referrals by MARAC, Domestic Violence organisations and Lesbian and Gay support groups.

For tenants of RPs within Warrington or elsewhere applying for accommodation because of an urgent welfare issue such as harassment, the Council will assess their case taking into account the responsibility on that landlord to resolve the problem or to transfer their tenant to resolve the problem. Therefore, only in an absolutely exceptional case will additional preference or reasonable preference be awarded.

### ***2 - Move on from supported housing projects***

Applicants who are moving on from a specified list of supported housing projects will be awarded additional preference if they meet the following criteria:

They must have vulnerability and urgent housing need that is best met through the provision of long-term settled housing. To qualify for this additional preference the support provider will provide a completed Move On from Supported Accommodation Request Form which provides evidence that the Council will use to assess whether the applicant:

- a) Has successfully completed a minimum of 3 months in the supported housing scheme (except in proven exceptional circumstances when a lesser period may be considered).
- b) Is ready to move to independent settled accommodation and is required to move on by the project to free up the unit for another individual in need.
- c) Specifically requires social housing to move onto because their circumstances make a move on option of private rented housing unsuitable
- d) Has a support package that has been assessed and is in place.

Applicants can register when they move into supported accommodation and if they qualify for the priority band criteria they will be awarded the priority band when there is evidence that the person is ready to move on and can sustain a tenancy. Where the assessment is that the person is not ready to move on and is unlikely to sustain a tenancy they will be suspended until a time when they are can.

### **3 - Move on from Care for a young person.**

Young people in care and ready to move out of care referred by Social Services in accordance with the joint protocol will be awarded additional preference.

Referrals will be made where a young person is ready to leave care. The criteria for the award of additional preference are:

- a) The young person is ready to move to independent settled housing and is genuinely prepared for a move to independent living.
- b) They possess the life skills to manage a tenancy including managing a rent account.
- c) The young person is in need of medium or long-term tenancy support.
- d) The support package has been assessed and is in place.
- e) Their needs are such that accommodation in the private rented sector, through its short-term nature, would have a detrimental effect on their move to independent living.

### **Circumstances when reasonable preference will be awarded on welfare grounds**

The following groups will qualify for reasonable preference on welfare grounds:

#### **1 - Reasonable preference for extreme financial hardship**

In cases of extreme financial hardship, following assessment, an applicant living in the private rented sector or an owner-occupier may be awarded reasonable preference. This is likely to be cases where the person is so financially impacted by their current housing that they cannot afford to adequately feed, clothe and meet the fuel costs for themselves and their family and this is not the fault of their own actions and they are unable to remedy this problem through moving themselves. The decision to award reasonable preference lies solely with the Council, or its agent, and will be considered on a case by case basis.

#### **2 - Armed Forces persons or former armed forces persons and bereaved spouses**

Members of the Armed Forces persons who are serving in the regular forces who will be discharged within three months, or have served in the five years preceding their application for an allocation of housing accommodation. This commitment will extend to the dependents and widow or widower of those serving in the Armed Forces.

Bereaved spouses or civil partners 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; or who are in housing need having been discharged.

Note local connection criteria for reduced preference do not apply to armed forces personnel.

**Reasonable preference category s166 A (3) (e) – people who need to move to a particular locality within the local authority’s district, where failure to meet that need would cause hardship to themselves or others.**

### **Circumstances when additional preference will be awarded**

There are no additional preference criteria for this category

### **Circumstances when reasonable preference will be awarded on hardship grounds**

The categories of people who will be awarded reasonable preference on the grounds of hardship are:

- a) People who need to move for employment purposes
- b) People who need to move near relatives to give or receive support
- c) People who need to move to access medical treatment/social service facilities
- d) Where a tenant has a right to move under the Government’s Right to Move - (England) Regulations 2015.

**a) *Employment Hardship*** - Priority will only be given in exceptional circumstances and customers will need to show that they need to move to take up or continue an employment opportunity not available elsewhere. They will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer.

**b) *Support Hardship*** - Priority will only be given in exceptional circumstances and customers will need to show:

That they require substantial and ongoing support from relatives or friends or it is essential that they give substantial and on-going support to relatives. This will only be considered where there is a severe mental health, medical or welfare issue and there are reasons why this support cannot be achieved or maintained through reliance on public transport or the customer’s own transport.

Example of the information required in order to assess the priority include:

- Confirmation of name and address of the person who is to provide the care and the person who is to receive care
- Evidence of their care requirements (Doctor, Social Services)
- Evidence of links to care groups
- Other forms of support or care available to the applicant or the person to whom it is claimed support is required.
- Benefits relating to any disability or care. Disability living allowance information

### **c) *Need to move to access medical treatment/social service facilities***

Priority will only be given in exceptional circumstances and customers will need to show that they have a need to access medical care and/or social services facilities and that cannot be met through reliance on public transport, the customer’s own

transport, or through provision put in place by health or social services. The Council, or its agent, will consider the following test:

- Confirmation of name and address of the medical or social provision to which they need access
- Evidence of their care requirements (Doctor, Social Services)
- Evidence that no other provision is available and no assistance can be provided to enable them to access the service
- A determination by the Council, or its agent, that the need to access the medical treatment/social services facilities is essential

#### ***d) Right To Move – hardship cases***

To meet the Allocation of Housing (qualification criteria for the Right to Move - England) Regulations 2015, a local connection may not be applied to existing social tenants seeking to transfer from another local authority district in England who:

- Have reasonable preference under Section 166(3)(e) because of a need to move to the Local Authority's district to avoid hardship, and
- Need to move because the tenant works in the district, or
- Need to move to take up an offer of work

#### **How these cases will be assessed by Warrington**

The criterion applies to existing social housing tenants: -

- Who need to move within a Local Authority area or to another local authority area to avoid hardship, and
- Who need to move because the tenant works in the district, or
- Who need to move to take up an offer of work.

The Council, or its agent, will take into account: -

Tenants must need to move, not simply want to move. Factors to consider in determining `need` are:

- The distance and/or time taken to travel between home and work.
- Availability and affordability of transport as against earnings.
- Nature of the work and whether similar opportunities are available nearer home.
- Other personal factors, for instance medical conditions, child care
- Length of work contract.
- Would failure to move mean a lost opportunity to improve employment circumstances or prospects?

Work only qualifies as work for these purposes if it is not short term and the Council, or its agent, will:

- Consider whether the work is regular or intermittent (particularly relevant for the self-employed).

- Consider the period of employment – a contract of less than 12 months could be considered short-term.

Marginal:

- Less than 16 hours per week could be considered marginal
- The Council, or its agent, will consider the level of earnings.

Voluntary:

- Unpaid, or expenses only.

Ancillary:

- That is, if the person works occasionally in another local authority area, but main place of work is a different area, the work is excluded.

### Verification and Evidence

The tenant must be able demonstrate that he/she has a genuine job offer and that he/she has a genuine intention to take it up.

Appropriate evidence could include: -

- A formal offer letter.
- A contract of employment.
- Wage/salary slips covering a certain period, or bank statements (zero hour contracts).
- Tax and benefits information, for example proof of receipt of working tax credit.

### **When will Reduced Preference be awarded?**

Local Authorities have a right to reduce a person's priority for housing under their allocation policy. This policy intention of a number of the reduced preference criteria is to enforce to prospective tenants the importance of taking seriously their responsibilities as a tenant including:

- ✓ The responsibility of paying their rent and service charges.
- ✓ The responsibility to keep the property in good repair and not to cause deliberate damage.
- ✓ The responsibility to conduct their tenancy in accordance with their tenancy agreement and not to cause nuisance or annoyance to their neighbours.

Reduced preference will be given in the following circumstances:

- 1) Where there is a current or former debt owed to a social or private sector landlord.
- 2) There is a history of unacceptable behaviour within the last 2 years
- 3) Customers who do not have a local connection with the Local Authority area.
- 4) Customers who have been found to be intentionally homeless

### ***1 - Reduced preference due to current or former housing related debt owed to a social or private sector landlord***

The Council, or its agent, will reduce the preference of some applicants, who have not yet addressed the debt to the satisfaction of the Council. In addition there are

criteria to assess cases owed reduced preference where no nomination will be considered until the person has addressed the criteria set.

For the purpose of this policy the partner Council, when carrying out an assessment, will take into consideration all property related debts that are both recoverable and not statute barred. This includes any:

- (i) Current or former tenancy rent arrears;
- (ii) Outstanding re-chargeable repairs;
- (iii) Current and former housing related service charge arrears;
- (iv) Bed and breakfast or other temporary accommodation charge arrears
- (v) Housing benefit overpayments; and
- (vi) Associated court costs.

Property related debts apply to both the applicant and members of their household.

Where a property related debt is over £500 is in existence with any landlord the application for housing may be classified as not qualifying to join the register. Where they have been allowed to qualify the applicant would be given reduced preference but in addition the applicant would not be actively considered for housing until such time as they have:

- (i) Entered into a repayment plan with the former landlord
- (ii) Made a minimum of 13 consecutive weekly payments, at an agreed level; and
- (iii) Repaid a minimum of 25% of the debt.

This process can only be circumvented where the debt is repaid in full. In order to encourage good financial management and discourage applicants from using doorstep lenders, who may charge excessively high interest rate loans, lump sum payments of above 25% of the total debt owed would not apply unless the 13 - week minimum re-payment period has been satisfied.

The process may be circumvented where the Council, or its agent, believes that highly exceptional and significant circumstances exist, and the need to move is considered urgent. This will be a decision of the senior officer responsible for the housing allocation policy in the council.

Applicants with a housing related debt up to £500 will be awarded reduced preference and can be considered for housing providing that they had agreed and were actively following a repayment plan. Adherence with the plan would normally be considered to be adherence with a repayment plan over a 13-week period. As with debts of over £500 this process can only be circumvented where the debt is repaid in full. In order to encourage good financial management and discourage applicants from using doorstep lenders, who may charge excessively high interest rate loans, lump sum payments of above 25% of the total debt owed would not apply unless the 13 - week minimum re-payment period has been satisfied.

Where a customer has a debt each case will be considered individually and in certain circumstances the customer will not be given reduced preference. Examples include but are not limited to:

- Customers who have been accepted by a Local Authority as unintentionally homeless and in priority need.
- The customer has been a victim of Domestic Violence
- The debt arose due to the customer's vulnerability.
- The customer was unable to pay due to circumstances other than deliberate non-payment.

Note: In circumstances where a debt is owed and the Council, or its agent, has decided that the applicant may be considered for a nomination the organisation to which the Council, or its agent, is considering making a nomination may still decide not to make an offer of accommodation. Registered Social Housing providers who owe the Council nomination rights may still choose to apply their own rules as to whether to accept a nomination from an applicant where there are current or former rent arrears or poor behaviour.

Any debt will be assessed at the point at which the customer's priority is being considered unless any new information becomes available at a later time.

## ***2 - Reduced preference due to unacceptable behaviour***

Customers who despite past or present poor behaviour meet the criteria to qualify for the register will be given reduced preference where the Council, or its agent, is satisfied they (or a member of their current or prospective household) has failed to adhere to the terms of any current or previous social housing or private sector tenancy agreement.

This would include but is not limited to following examples of unacceptable behaviour:

- Failing to maintain the property within the terms of the agreement – for example damage to the property, accumulation of large amounts of rubbish in and around the property.
- Conduct likely to cause nuisance or annoyance – this is conduct or behavior that does not only relate to a previous social housing or private rented sector tenancy agreement. This includes where an applicant or a member of their current or prospective household is the subject of actions being taken by the Council (or some other competent body) on grounds of alleged Anti Social Behaviour (ASB).
- Committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality where they live or where they previously lived. This would include noise nuisance, threatening or abusive behaviour.
- Criminal behaviour that was relevant to the tenancy and/or locality, for example being in possession of illegal drugs, acts of public disorder.
- Serious breaches of a social or private sector tenancy agreement – for example operating a business from the premises, having an unreasonable numbers of pets at the property.
- Behaving in a threatening, abusive or obstructive manner towards staff of the Council and or their contractors.

The Council, or its agent, will reduce the preference of applicants, who have not yet addressed the behaviour to the satisfaction of the Council or its agent. In addition there will be cases where the Council decides that due to the seriousness of the behaviour, or the failure to fully address that behaviour, no nomination will be considered until the person has fully addressed the problems to the satisfaction of the Council, or its agent.

### ***3 - Reduced preference for not having a local connection***

Priority for housing will be given to Warrington residents or to those with a local connection.

Applicants without a local connection to Warrington but whose housing needs qualify for the priority band will be given reduced preference

Applicants without a local connection whose housing needs would qualify for additional preference under the scheme will not be awarded additional preference unless the Council, or its agent, considers their circumstances to be absolutely exceptional. This will be decided on a case-by-case basis.

A local connection for the purpose of this policy is defined as one of the following, which has been taken from the Housing Act 1996 Part VII, although subsequent legislation determining local connection may be used in the future :

- a) Having lived in the WBC area for 3 years out of the past 5 years or 6 months out of the last 12 months
- b) Full time permanent paid employment in the WBC area, providing the applicants has done so for at least 6 months before applying to go onto the register
- c) Close family associations in the WBC area i.e. parents and siblings or equivalent
- d) Other very special reasons e.g. need to frequently access a specialist hospital in WBC area

### ***4 - Reduced preference for being found to be intentionally homeless connection***

Where an applicant has been found by Warrington or another Council to be intentionally homeless and that award of intentional homelessness is still current if they are able to qualify for the register they will be awarded reduced preference until the actions that the applicant took or failed to take have been addressed to the satisfaction of the Council.

#### **Notification of reduced preference**

Customers who have been given a reduced preference will be provided with written notification of the decision and this notification will contain the following information:

- The reasons for the decision to give reduced preference and whether with their reduced preference status they will be considered for a nomination at all or will be suspended until the issue is resolved to the satisfaction of the Council using the criteria set out in this policy section. .

- Their right of review to that decision and the requirement to put their request in writing within 21 days of receiving the decision.
- What they need to do before their application will be placed in the Band with the priority attached to their housing needs.

An applicant can ask at any time for their reduced preference status to be removed. The request for removal must be made in writing and must set out why the customer believes that the reduced preference they have been granted is no longer justified.

## **Band 2 Applicants**

Applicants aged 18 or over who are eligible and qualifies for social housing, as described in this policy, and who does not meet the additional, reasonable or reduced preference criteria for Band 1.

- Applicants in Band 1 will be considered for property available before applicants in Band 2.
- Property is allocated based on applicants meeting the qualifying criteria for property and then in date order of application.
- Applicants who refuse three offers of housing will be removed from the Register and can only re-apply after 12 months.

## **Local Lettings Policies**

Some homes are subject to local lettings policies. These policies may place certain criteria or restrictions on a property that applicants on the housing register must meet in order to rent that property.

Local lettings policies can be placed on:

- New build and/or regeneration schemes
- Lower than market rent
- A group of properties of a particular type or in a particular neighbourhood in the following circumstances:
  - Reducing the minimum age criteria for certain 'lower demand' bungalows or older people schemes
  - Imposing temporary restrictions - such as a minimum age, or on new tenants in a block of flats which may have been subject to anti-social behaviour from former tenants
  - Introducing an upper or lower age limit on a block of flats to help prevent a clash of lifestyles.

When criteria or restrictions have been applied to property we will make the details available on the Council's website.

## **Section 5: Offering accommodation and the review process**

### **The Offer**

Once nominated and prior to an offer being made the landlord of the advertised property will carry out a further verification of the customer's eligibility and priority. In certain situations the offer will not be made:

- If since joining the scheme an applicant has become ineligible.
- On verification of the applicants' details, the priority band was found to have been incorrectly awarded due to the information received by the applicant or due to mistakes in the assessment of the application itself. .
- The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.
- The partner landlord has good housing management reason not to offer a property.

### **Refusing and non-replies to offers**

Customers who have refused 1 offer of suitable accommodation will receive reduced preference status for 12 months. \* See note below

Customers who have refused 2 offers of suitable accommodation will no longer qualify to be registered for a period of 12 months.

**Note:** Those households 1) accepted as statutorily homeless and owed a duty to house; or 2) have been granted homeless status under section 166A(3) (a) (people who are homeless within the meaning of Part VII of the Housing Act 1996) will lose their priority status banding if they refuse a suitable offer of accommodation. Unless they have another reason to awarded priority banding they will then no longer qualify to be included on the register. The offer of suitable accommodation made will also bring to an end any statutory homeless duty to any of these applicants owed a section 193(2) or 195(2) and they will be warned of this consequence at the point the property is formally offered to them

If a customer does not reply to an offer within 2 working days of receiving the offer it is deemed to have been refused and the property will be offered to the next customer on the register who qualifies for that offer.

### **The Review Process**

Customers who want to query a decision made in relation to their application to join the register and certain subsequent decisions have a right to ask for a formal review of the decision.

There is a right to a review of a decision in the following situations:

- a) The customer disagrees with the Band in which they have been placed.

- b) The customer considers that a decision has been reached based on incorrect information.
- c) The customer has been treated as ineligible on the basis of their immigration status.
- d) They have been treated as ineligible to join the register due to serious unacceptable behaviour coming under the non-qualification criteria set out in the policy.
- e) Their application has been given reduced preference.

### **The review procedure**

1. Customers will be notified in writing of decisions made in respect of the review.
2. Customers must request a review of a decision within 21 days of being notified in writing, unless there are exceptional circumstances that they did not request a review within that timescale. They must give reasons why they wish to have the decision reviewed including where they believe an incorrect decision has been made on the facts.
3. A senior member of staff will carry out the review. That member of staff will not have been involved in making the original decision.
4. The review will be considered on the basis of the authority's allocation scheme, any legal requirements and all relevant information. This will include information provided by the applicant on any relevant developments since the original decision was made
5. The Council, or its agent, will aim to complete and inform the applicant in writing of the decision within 21 working days, after taking into account any additional information that has been provided by the customer. Alternatively, the customer will be advised of any time extension required to make the decision.

## APPENDIX A – summary of preference categories and criteria used to qualify for the Housing Register

**BAND 1: Applicants aged 18 years or over who are in urgent housing need and qualify for additional preference, reasonable preference and reduced preference as described in this policy.**

### Additional Preference Categories

<b>Additional Preference</b>
<b>People who are homeless or threatened with homelessness</b>
No additional preference for this group
<b>People who are occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions</b>
Applicants would only qualify if the issue could not be reduced, resolved or removed. Tenants of RP's should seek resolution from their landlord. Only in an exceptional case would the council assist RP tenants.
Households living in conditions which give rise to an imminent risk of harm and where the applicant has been served with a Prohibition Order under Part 1 of Housing Act 2004.
Excessive overcrowding i.e. where the council officer has made an assessment using the HHSRS and concluded that there is a serious risk of harm due to the impact of severe overcrowding.
Demolition or Compulsory Purchase Order for redevelopment.
Where there is no access at all to the following facilities: bathroom, kitchen, inside toilet, hot and cold water supplies, electricity, gas or adequate heating.
<b>People who need to move on medical grounds (including any grounds relating to a disability)</b>
An applicant who has an extremely urgent and immediate need to move for medical reasons or disability which is being exacerbated by their current housing situation will be placed at the top of the list.
An immediate life threatening condition which is seriously affected by the current housing and where re-housing would make it significantly easier to manage.
A serious illness is currently receiving palliative care and urgently requires re-housing to facilitate the on-going provision of this care.
A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care.
The applicant's health is so severely affected by the accommodation that it is likely to become life threatening e.g.: applicant has severe mental health problems that are significantly exacerbated by their accommodation.
A new and life changing condition that severely impairs their mobility, meaning they are unable to carry out day to day activities or have difficulty accessing facilities inside and outside their accommodation and requires rehousing into accommodation suitable for their use.
Where their current property leaves the person at risk of infection e.g.: where an applicant is suffering from late stage or advanced HIV infection.
Due to limited mobility a person is unable to access essential parts of the property e.g.: bathroom, toilet and requires re-housing into accommodation suitable for their use.
Member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.
Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability he/she has sustained as a result of service.
People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care.
People who require significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective.

A member of the household cannot be discharged from hospital until a suitable adapted property is provided.
<b>People who need to move on welfare grounds</b>
Tenants of RP's should seek resolution from their landlord. Only in an exceptional case would the council assist RP tenants.
Applicants who need to move immediately due to domestic abuse, extreme violence or extreme harassment. This includes hate crime, disability, race, homophobic or transgender harassment where there are exceptional circumstances and there is a high risk to the household's safety if they remain in the property / area and require an immediate move. Evidence must be provided by the applicant and other appropriate statutory bodies and voluntary agencies including police, social services, MARAC, LGBT support services.
Applicants moving on from specified list of supported housing projects if they are vulnerable and the urgent housing need is best met through the provision of long term settled housing provided that the applicant has successfully completed 3 months in the scheme, is ready to move on to independent living, specifically requires social housing and has support in place following the move-on. This will aid the availability of limited supply of supported housing accommodation.
Care leavers ready to move on from local authority care who are ready to move on to independent living and is genuinely prepared for such a move, they possess the skills required to manage a tenancy and rent account, are in need of medium to long term tenancy support, a support package is in place and a move to private rented sector accommodation would have a detrimental effect on their move to independent living because of its short nature.
<b>People who need to move to a particular locality in the district where failure to meet this need would cause hardship to themselves or to others</b>
No additional preference for this group
<b>People who live in a moveable structure like a caravan and there is no lawful place they can place it and live in it.</b>
No additional preference for this group

## Reasonable Preference Categories

<b>Reasonable Preference</b>
<b>People who are homeless or threatened with homelessness</b>
People who are homeless and are owed a statutory housing duty
People who are verified as rough sleeping
People who are homeless and found not to be in priority need
People who are at risk of homelessness within 56 days and whom it is likely that the Council would award a full statutory housing duty if they were to become homeless.
<b>People who are occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions</b>
Applicants who deliberately worsen their circumstances will not be given reasonable preference. Children will only be included in the overcrowding calculation if the property is their main place of residence. Tenants of RP's should seek to resolve the problem with their landlord. Only in exceptional cases will the council assist RP tenants.
Elderly people living in flats in the private rented sector or with flats above ground floor with no lift.
Where the council has determined that there is a Category 1 hazard under HHSRS and it is having a severe impact on the household and there is a significant risk to the health and wellbeing of the occupant and where there is no prospect of the issues being remedied in a period of time that the council considers reasonable.
People living in overcrowded conditions and whose housing circumstances have been assessed as being 2 bedrooms short of what they need. A separate bedroom should be allocated to the following persons: persons living together as husband and wife, a person aged 16 yrs. or more, two persons of the same sex aged less than 16 yrs., two persons whether same sex or not under 10 yrs., any person aged less than 16 yrs. in any case where he or she cannot be paired with another occupier.

### **People who need to move on medical grounds (including any grounds relating to a disability)**

Applicants whose housing is unsuitable for severe medical reasons, or due to a disability, but who are not housebound, or whose health or safety is not such a risk level to require immediate urgent housing will be awarded reasonable preference if they meet the criteria set. The housing conditions will need to contribute to causing serious ill health.

Children with severe conditions such as autism, cerebral palsy where their long term needs cannot be met without settled accommodation.

A person whose disability means that re-housing would enable them to overcome physical barriers created by their current accommodation e.g.: stairs and steps.

A person with a severe disability requiring substantial adaptations to a property not provided for in their current accommodation.

A person with a terminal illness or long term medical debilitating condition whose current accommodation is not having a significant impact on their conditions but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support.

### **People who need to move on welfare grounds**

Tenants of RP's should seek resolution from their landlord. Only in an exceptional case would the council assist RP tenants.

Extreme financial hardship where the applicant living in a private rented sector property or is an owner occupier is so financially impacted they cannot afford to adequately feed, clothe and meet fuel costs for themselves and their family and this is not the fault of their own actions and they are unable to remedy the problem through moving themselves.

Members of the armed forces who are serving in the regular forces who will be discharged within three months or have served in the five years preceding their application. This commitment will extend to the dependants and widow/widower of those serving in the armed forces.

Bereaved spouses or civil partners of those serving in the regular forces where their spouse or partners death is attributable wholly or partly to their service and the bereaved spouse or partner entitlement to reside in MOD accommodation ceases or has ceased.

### **People who need to move to a particular locality in the district where failure to meet this need would cause hardship to themselves or to others**

People who need to move for employment reasons. Priority will only be given in exceptional cases and applicants will need to show that they need to move to take up or continue an employment opportunity not available elsewhere. They will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer.

People who need to move near relatives to give or receive support. Priority will only be given in exceptional circumstances and applicants will need to show they require substantial and ongoing support from relatives or friends or it is essential that they give substantial and on-going support to relatives. This will only be considered where there is a severe mental health, medical or welfare issues and there are reasons why this support cannot be achieved or maintained through reliance on public transport or own transport.

People who need to move to access medical treatment, social services facility. Priority will only be given in exceptional circumstances. Applicants will need to show that they have a need to access medical care and/or social services facility and that cannot be met through reliance on public transport, own transport or provision put in place by social services.

Where a tenant has a right to move under the Governments Right to Move (England) Regulations 2015. 5% of nominations will be reserved for people who meet these criteria.

### **People who live in a moveable structure like a caravan and there is no lawful place they can place it and live in it.**

People who live in a moveable structure like a caravan and there is no lawful place they can place it and live in it.

## **Reduced Preference Categories**

### **Reduced Preference**

#### **People who are homeless or threatened with homelessness**

People who are owed a full statutory duty by another local authority.

People who have made a statutory homeless application and have been found intentionally homeless.
<b>People who are occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions</b>
Applicants where there is a current or former debt owed to a social or private landlord. Where there is a history of unacceptable behaviour within the past two years. Where the applicant has no local connection. Where the applicant has been found intentionally homeless.
<b>People who need to move on medical grounds (including any grounds relating to a disability)</b>
Applicants where there is a current or former debt owed to a social or private landlord. Where there is a history of unacceptable behaviour within the past two years. Where the applicant has no local connection. Where the applicant has been found intentionally homeless.
<b>People who need to move on welfare grounds</b>
Applicants where there is a current or former debt owed to a social or private landlord. Where there is a history of unacceptable behaviour within the past two years. Where the applicant has no local connection. Where the applicant has been found intentionally homeless.
<b>People who need to move to a particular locality in the district where failure to meet this need would cause hardship to themselves or to others</b>
Applicants where there is a current or former debt owed to a social or private landlord. Where there is a history of unacceptable behaviour within the past two years. Where the applicant has no local connection. Where the applicant has been found intentionally homeless.
<b>People who live in a moveable structure like a caravan and there is no lawful place they can place it and live in it.</b>
No reduced preference for this group

**Band 2 : Applicants aged 18 or over who are eligible and qualifies for social housing, as described in this policy, and who does not meet the additional, reasonable or reduced preference criteria for Band 1.**

Applicants in Band 1 will be considered for property available before applicants in Band 2.
Property is allocated based on applicants meeting the qualifying criteria for property and then in date order of application.
Applicants who refuse three offers of housing will be removed from the Register and can only re-apply after 12 months.

