

North Yorkshire  
**Choice Based Lettings Partnership**

# North Yorkshire Common Allocation Policy

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



Section	Title	Page No.
Section 1	Glossary of Terms	4 - 5
	1 Introduction and Background	6
	1.1 The North Yorkshire Sub Regional CBL partnership	6
	1.2 Our vision for the service	7
	1.3 Aims and objectives	8
	1.5 Statement on choice	8
	1.6 Meeting our obligations	9
	1.7 Information sharing, confidentiality and data protection	10
	1.8...Equality and fairness	10
Section 2	2 Joining the Common Housing Register	11
	2.1 The North Yorkshire Common Housing Register?	11
	2.2 Who can apply	11
	2.3 Applications not accepted due to unacceptable behaviour	11
	2.4 Joint applications	12
	2.5 Multiple applications	12
	2.6 Existing tenants and their households	12
	2.7 Applications from employees/members and their close relatives	12
	2.8 How to apply	12
	2.9 Verifying information	13
	2.10 Confirming registration	13
	2.11 Changes in circumstances	13
	2.12 Keeping the Register up to date	14
	2.13 Cancelling applications	15
	2.14 Giving false information or deliberately withholding information	15
	2.15 Deliberate worsening of circumstances	15
	2.16 Notifications about decisions and the right to a statutory review of a decision	15
Section 3	3 Assessing Housing Need	16
	3.1 Legal background	16
	3.2 Assessing housing need	16
	- Emergency band	16
	- Gold Band	17
	Silver Band	17
	- Bronze Band	18
Section 4	The Choice Based Lettings Scheme	18
	4.1 Advertising properties on the choice based lettings scheme	18

	4.2	Adapted properties for people with disabilities	19
	4.3	Housing with support schemes, including extra-care schemes	19
	4.4	The bidding cycle	19
	4.5	Bidding from prison	20
	4.8	Short-listing and selection; Tie breaker 1 – housing need	20
	4.9	Tie breaker 2; local connection	20
	4.11	Tie breaker 4; occupation	21
	4.12	Tie breaker 3; debt	21
	4.13	Tie breaker 5; time	21
	4.14	Exceptions to the tie-breaker order	22
	4.15	Overlooking bids	22
	4.15	Direct offers	22
	4.16	Viewing properties and receiving offers	23
	4.17	Time allowed for accepting an offer	24
	4.18	Monitoring	24
	4.19	Publishing feedback on lettings	24
	4.20	Future development of the scheme	25
Section 5	5	Other Housing Options	25
	5.1	Private landlords	25
	5.2	Registered social landlords	25
	5.3	HomeBuy	26
	5.4	Mutual exchanges	27
Appendix 1			27
Appendix 2			28
Appendix 3			31
Appendix 4			32
Appendix 5			33
Appendix 6			33
Appendix 7			34
Appendix 8			34
Appendix 9			35
Appendix 10			36

### **Adapted Properties**

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

### **Advocate**

A responsible person who has been given approval to 'act' on behalf of an applicant e.g. support worker, family member

### **Applicant**

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

### **Assisted bidding**

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

### **Automated bidding**

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

### **Bands**

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

### **Bidding**

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

### **CBL - Choice Based Lettings**

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

### **Common Allocation Policy**

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

### **Common Housing Register**

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

### **Direct offer**

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

### **Emergency Prohibition order**

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

### **Housing Related Debt**

For the purposes of this policy , debt means monies owed to any of the partner landlords for current or former tenant arrears or re-chargeable repairs.

### **Local Connection**

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

### **Local lettings initiative (LLI)**

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

### **Low Cost Home Ownership**

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

### **LSVT – Large Scale Voluntary Transfer**

Former Council Housing which has been transferred to a housing association or housing company following a ballot of the tenants.

### **MAPPA (Multi Agency Public Protection Arrangements)**

This is a multi agency approach to re-housing offenders based on risk assessment. The MAPPA process identifies the level of risk the offender poses to the public. Access to the Housing Register/Waiting list for clients subject to MAPPA can only happen when a Senior Officer has given authorisation based on risk assessment.

### **Mutual Exchange**

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

### **Partner Landlord**

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

### **Participating Landlords**

A landlord who allocates some of their properties through this policy (i.e. formal nominations via a LA) but have their own allocations policy for their direct lets.

### **Priority Band Date**

The date when the applicant was given additional priority, which is a later date than the date on which the application was originally made – this date may be used as a tie-breaker to decide who receives an offer of accommodation.

**Reasonable Preference Category**

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

**Registration Date**

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

**Re-Settlement/Supported Housing**

Projects that provide accommodation and support to help individuals or families live independently, who would otherwise be at risk of failing to sustain a tenancy. Completion of a programme of re-settlement with the specific projects named in this policy, will attract additional priority for the applicants concerned.

(nb; these projects have yet to be identified)

**RSL – Registered Social Landlord**

A housing association or housing company registered with the Tenant Services Authority.

**Sub-Regional Partnership**

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

**Support Package**

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

**Tie-breaker**

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

### 1.1 The North Yorkshire Sub-Regional Choice Based Lettings (CBL) Partnership

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

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

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

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

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

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

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

### 1.2 Our vision for the service

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

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

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

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

### **1.3 Aims and objectives**

This policy is a Choice Based Lettings Policy.

The shared aims and objectives of this policy are:

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

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

### **1.5 Statement on Choice**

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

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



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

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

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

## **1.6 Meeting our obligations**

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

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

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

This policy also takes into consideration the following guidance:

- Audit Commission - KLOE 7: Allocations and Lettings
- Commission for Racial Equality (Code of Practice on Racial Equality in Housing – September 2006)
- The Code of Guidance (Allocations – August 2008)
- The Code of Guidance (Choice Based Lettings - Dec 2009)
- Shelter's Good Practice Report (A Question of Choice - June 2005)

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

### **1.7 Information sharing, confidentiality and data protection**

The partnership will publish an Information Sharing Agreement to support this policy and will ensure that such a policy complies with all legal requirements.

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

### **1.8 Equality and fairness**

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

A Sub Group of the Project Board, the Equalities Monitoring Group (EMG) has been and will continue, to review the impact CBL will have on the above client groups and others. This group includes voluntary sector and NHS representation. The EMG will oversee and develop the Equality Impact Assessment for the scheme and will strive to ensure that all relevant Equality Legislation is considered by the scheme and the Board.

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

Choice Based lettings as an approach, strives to maximise information and support to applicants. Section 5 and 4.18 outline the support and information applicants with different needs can expect to receive from the scheme.

### 2.1 The North Yorkshire Common Housing Register

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

### 2.2 Who can apply?

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

- Applicants aged 16 and 17 years are only eligible to join the register if they meet the following conditions
  - They are not a ‘looked after’ child as defined by s.20 of the Children’s Act 1989
  - They must have an appropriate support package to enable them to sustain their residency
  - They must have an identified Trustee who can hold any tenancy on their behalf until the age of 18, trustees can be a person or an organisation, and will not have a financial liability.
- Applicants leaving care will need to have a support package to be eligible to join the register.
- Applicants subject to some aspects of Immigration Control , who do not have recourse to public funds or who can not prove they have recourse to public funds , may not join the register (see 4.15)

Applicants subject to MAPPA arrangements can only access the register with the consent of a Senior Officer<sup>2</sup> of the relevant local authority (see also 4.15).

### 2.3 Applications not accepted due to unacceptable behaviour

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

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

<sup>2</sup> The relevant senior officer to be determined by the individual LA and set out within their scheme of delegation.

1 of Schedule 2, other than Ground 8. Applicants will be excluded where these grounds apply.

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

## **2.4 Joint applications**

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

## **2.5 Multiple applications**

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

## **2.6 Existing tenants and their households**

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

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

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

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

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

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

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

Applications can be accepted from employees, elected members, board members (or those who have held such a role in the previous 12 months) and their close relatives, provided they are eligible to apply and subject to the rules in Schedule 1 of Housing Act 1996. Applicants must disclose any such relationship at the time of applying.

## **2.8 How to apply**

Applicants can apply to join the Register by completing a form. This can be done on-line by accessing the website or by completing an application form available from any of the partner organisations' reception points. Advice and support in completing the form can be provided, on request, particularly for those who would have difficulty in completing the form because of a disability or a low level of literacy. (see Section 1.8).

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

## **2.9 Verifying information**

During the application process, applicants will be asked to provide supporting evidence to verify their identity and personal circumstances. This may be supplemented by the partner landlords:

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

A failure to respond to request for information as part of the verification process within 28 days will lead to cancellation of the application. The applicant will be notified in writing.

## **2.10 Confirming registration**

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

- their Registration Date
- the Band they have been awarded
- a Priority Band Date if different from the registration date (for those in Bands Emergency, Gold and Silver)
- Confirmation of which type of properties they are eligible to bid for
- their Username and Password for the website

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

### **2.11 Changes in circumstances**

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

If an application is moved up a priority band as a result of changed circumstance then the priority band date will be the date that the change was notified. This will be the relevant date for assessing any tie-break (see 4.11).

If an application is moved down a band the registration date will be the relevant date for assessing any tie-break.

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

### **2.12 Keeping the Register up to date**

All applicants who have not bid for any properties within a 12 month period will be contacted and asked if they want to remain on the Register. A failure to respond within 28 days will mean cancellation of the application. Applicants in the Emergency and Gold Bands will be reviewed on a more regular basis to ensure they are not having difficulties with the scheme and to check that they are bidding for suitable properties as they come up. See section 4.17

### **2.13 Cancelling applications**

If an applicant does not respond to the review letter in the given time period, they will be notified in writing that their application has been cancelled. The application will be re-instated provided the applicant makes contact with the relevant partner landlord within 28 days of being notified that their application is being cancelled.

### **2.14 Giving false information or deliberately withholding information**

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

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

Applicants, who are found to have made fraudulent claims in this way, will be removed from the Register and will have to re-apply.. This decision will be subject

to review and the applicant (or their named advocate) will be informed in writing of the decision and of their right to request a review of that decision in writing.

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

### **2.15 Deliberate worsening of circumstances**

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

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

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

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

- The right to be notified in writing of any decision not to be registered on the register because of unacceptable behaviour serious enough to make them unsuitable to be a tenant.
- The right, on request, to be informed of a decision about any information which is being taken into account in considering whether to make an offer of accommodation.

Applicants will be notified of these rights in writing whenever a decision is made that affects their registration or status to receive offers of accommodation and they will be informed of their right to submit further information, which may assist the partner organisation in reviewing their case.

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

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

## Section 3 – Assessing Housing Need

### 3.1 Legal background

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

#### Reasonable Preference

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

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

### 3.2 Assessing housing need

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

#### Emergency Band

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

- Applicants unable to return to their home from hospital because their current home is permanently unsuitable<sup>3</sup>.
- Applicants unable to access key facilities in their home without **major** adaptation works<sup>4</sup>

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<sup>3</sup> Written confirmation from the relevant Social Services Authority Chief Officer will be required, setting out the reasons as to why the applicant can not return to their home.

<sup>4</sup> Joint assessment between the Social Services Authority and the Housing Services Team will be required, signed off by the relevant chief officer.



Note:

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

### **Gold Band**

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

### **Silver Band**

- Applicants who have a health or well being issue, which will be removed or improved by a move as assessed by the relevant trained Housing Officer . (Bids made on this basis of priority must secure a health gain)
- Applicants who are homeless under part 7 of the 1996 Housing Act or are at risk of homelessness, but are not in priority need (see Appendix 3)
- Applicants who are overcrowded and require one more bedroom to relieve the overcrowding.

- Applicants who lack basic amenities.
- Applicants who share facilities with separate households of people who will not be moving with them
- Applicants who are presently under-occupying a home owned by a local authority or RSL that is situated within the partnership area. They are willing to move to a property with at least one less bedroom.
- Applicants who are intentionally homeless under Part 7 1996 Housing Act

**Bronze Band**

- All other applicants.

## Section 4 – The Choice Based Lettings Scheme

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

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

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

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

Properties may be advertised during the previous tenants 4 week notice period, and may be withdrawn from the scheme if the tenant changes their mind about moving.

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

### 4.2 Adapted properties for people with disabilities

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

Adverts will make clear if the property is adapted and will encourage bids from people who need an adapted home. Applicants with disabilities who wish to bid for an un-adapted home are free to do so, the partnership reserves the right to overlook any successful bid if it is not practicable to adapt the property for the applicant.

### 4.3 Housing with support schemes, including Extra Care schemes

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

#### **4.4 The bidding cycle**

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

Applicants (or their advocates) wanting to bid can:

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

Applicants can bid for up to 3 properties per week. Depending on the method of bidding, applicants can find out their position on the list at the time they bid, together with the total number of bids already placed against the property. This will enable applicants to test their chances of being successful when placing bids against properties they are interested in.

#### **4.5 Bidding from Prison**

Applications can be accepted from people in Prison, but would normally be placed in pending as the applicant is clearly unable to take up a tenancy. When the applicant is within four weeks of release, the application will be updated to take account of the anticipated housing circumstances, post release and the applicant placed in the appropriate band. The effective date for the application will be the date placed in band. On release, applicants will seek to have their housing need reviewed if they have not secured an offer of housing.

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

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

#### **4.8 Short-listing and selection – Tie Breaker - 1 Housing Need**

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

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

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

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

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

#### **4.9 Tie Breaker 2 - Local Connection**

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

- currently resident in the partnership area (York, Selby, Ryedale, Hambleton, Scarborough, Richmondshire, Craven) and have been resident for at least a period of 6 months; or
- have lived in the partnership area for at least 3 years out of the last 5 years
- have an essential need to live close to another person who currently lives in the partnership area, who has been resident for the last six months, so that support can be given or received; or
- have been employed in the partnership area for the last 6 months.
- Close family member resides in the partnership area and has done so for at least six months (parent, son , daughter, brother , sister)
- One of the partner local authorities has accepted a duty to house the applicant from another council under the terms of Housing Act 1996 Part 7.
- Currently resident in the partnership area with previous Military service at one of the Garrisons in the Partnership area (at least three years during the last five years).

#### **4.10 Tie Breaker 3 – Occupation**

The principles of bidding (above) allow applicants to bid for properties that are one bedroom larger than the minimum entitlements set out in Appendix 7.

Where two or more applicants, equal in respect of band and local connection bid for the same property, then those needing all the bedrooms in the property for their household will be given priority over those who do not.

#### **4.11 Tie Breaker 4 – Debt**

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

#### **4.12 Tie Breaker 5 – Time**

If there is still more than one applicant 'tying' after band-local connection-occupation – debt have been considered then the offer will be made to the applicant with the longest time in their band<sup>5</sup>.

#### **4.13 Exceptions to the tie-breaker order**

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

##### **Section 106.**

When a property has been secured using the provisions of s106 of the 1990 Town and Country Planning Act there is usually a legal obligation that the successful applicant must have a clear connection to the specific neighbourhood in which the property is situated. This connection may be defined in different ways.

##### **Planning or legal condition**

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

##### **Local Lettings Initiatives (LLIs)**

Where a partner landlord has established a Local Lettings Initiative.

##### **Charitable status**

Some of the partner and participating landlords have charitable status which place restrictions on who can be housed.

##### **Access for Lower Bands**

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

#### **4.14 Overlooking Bids**

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<sup>5</sup> Where the application relates to an applicant who has completed an accommodation based support programme, their time on the waiting list will be backdated to the date they entered the support programme.

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

#### **4.15 Direct offers**

In exceptional circumstances a property will not be advertised but will be offered directly to an applicant<sup>6</sup>. Such circumstances include:

- Statutory Homelessness cases (full duty) in accordance with this policy (See Appendix 3)
- MAPPA cases
- The offender initiative described in Appendix 6.
- Cases of flood or fire to the partner organisations own properties, resulting in the tenant needing to be re-housed.
- Where, under the partner organisation's policy, a person can succeed to the tenancy but it is inappropriate for their needs.
- Any other case where the issue is sensitive, specialist or an emergency.
- Applicants subject to a demolition or refurbishment by one of the partner landlords
- RSLs can in some circumstances let a property to a person without recourse to public funds, where the person can meet their own costs. The partners RSLs have the discretion to do this.
- Applicants who have fully completed a programme of re-settlement , with a re-settlement project named, approved and identified partner landlord. Such applicants will be persons who would have been unlikely to sustain a tenancy unless they had been through a re-settlement process.

The guiding principle here is that the partner making the directed offer must house the applicant.

Direct Offers will be reported in lettings feedback ( see 4.19).

#### **4.16 Viewing properties and receiving offers**

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

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<sup>6</sup> Each partner landlord will provide details on a quarterly basis on all properties / direct lets including the reasons for the direct let.

Further verification of circumstances will be undertaken to ensure the applicant is still eligible for the property prior to an offer being made.

Applicants will not be penalised if they refuse an offer of accommodation; however where more than 5 offers of accommodation have been refused, the applicant will be invited to an interview with the partner landlord that originally assessed their application.

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

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

#### **4.17 Time allowed for accepting an offer**

Applicants will be allowed 2 days after the viewing to make a decision about whether to accept. If there are extenuating circumstances longer may be allowed. Individual circumstances will be taken into account and applicants with specific needs will be given more time e.g. if an assessment for adaptation works is needed or someone with a disability needs more time to consider the move.

#### **4.18 Monitoring**

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

- the scheme is meeting its aims and objectives;
- the policy complies with the duty to give reasonable preference whilst also allowing other groups to access affordable housing;
- the scheme is providing equality of opportunity;
- applicants are satisfied with the scheme.

Further:

- That partner organisations routinely undertake specific monitoring of bid patterns, with a view to providing the best possible housing options service. Applicants in the Emergency and Gold bands, or who are inactive or consistently unsuccessful will receive targeted advice and support (see also Section 5 )
- That partner organisations are not subject to disproportionate levels of net inward migration – See Appendix 10.

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



#### **4.19 Publishing feedback on lettings**

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

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

- The property type and neighbourhood
- The total number of bids made for the property
- The successful applicant's registration date and/or priority band date
- Properties where a direct offer was made and the vacancy was not advertised.
- The successful applicant's priority band

#### **4.20 Future development of the scheme**

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

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

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

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

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

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

### **5.1 Private landlords**

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

### **5.2 Registered social landlords**

RSLs (apart from the partner RSLs) will be encouraged to increase the number of vacant properties they advertise on the scheme, over and above 50% nomination agreements. RSL vacancies that are advertised for nomination will be clearly labelled to say which local authority is the nominating authority.

### **5.3 Low Cost Home Ownership**

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

### **5.4 Mutual exchanges**

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

**City of York Council**

The Guildhall  
YORK  
YO1 9QN

Tel: 01904 551550

E mail:

**Selby District Council**

Civic Centre  
Portholme Road  
SELBY  
YO8 4SB

Tel: 01757 705101

E mail:

**Craven District Council**

Town Hall  
SKIPTON  
BD23 1AH  
Tel: 01756 700600

E mail:

**Ryedale District Council**

Ryedale House  
MALTON  
YO17 7HH  
Tel: 01653 600666

E mail:

**Broadacres Housing Association**

Broadacres House  
Mount View  
Standard Way  
NORTHALLERTON  
DL6 2YD

Tel: 0800 587 5291

E mail

**Scarborough Borough Council**

Town Hall  
St Nicholas Street  
SCARBOROUGH  
YO11 2HG  
Tel: 01723 232323

E mail:

**Hambleton District Council**

Civic Centre  
Stone Cross  
NORTHALLERTON  
DL6 2UU

Tel: 0845 1211555

E mail: [housing@hambleton.gov.uk](mailto:housing@hambleton.gov.uk)

**Richmondshire District Council**

Swale House  
Frenchgate  
RICHMOND  
DL10 4JE  
Tel 01748 829100

E mail:

**Yorkshire Coast Homes**

Brook House  
4 Gladstone Road  
SCARBOROUGH  
Tel: 0845 065 56 56

**Yorkshire Housing**

Yorkshire House  
6 Innovation Close  
Heslington  
YORK  
YO10 5ZF  
Tel: 01904 754400

E mail

### **1. Introduction**

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

### **2. Statutory and regulatory guidance**

- 2.1 The Code of Guidance (allocation of accommodation) explains in detail how local housing authorities should apply the 'Unacceptable Behaviour Test.' In summary, the test states that to make someone ineligible for an allocation of accommodation, the local authority must be satisfied that the applicant, or a member of his/her household has been guilty of unacceptable behaviour that is serious enough to make him/her unsuitable to be a tenant at the time the application is being considered. The 'test' is whether the behaviour would have entitled the housing authority to a possession order if, whether actually or notionally, the applicant had been a secure tenant.
- 2.2 The partnership will also have regard to regulatory guidance published by the Tenant Services Authority and its successors, which requires that applicants are only excluded from consideration for housing, when their behaviour is serious enough to make them unsuitable to be a tenant, in circumstances that are not unlawfully discriminating. The partners will also have regard to the Housing Corporation circular (Tenancy Management: Eligibility and Evictions) issued in July 2004 which supports much of the Code of Guidance and makes it clear that RSLs should not operate blanket exclusion policies for housing applicants for rent arrears or previous convictions. This circular also makes it clear that previous tenancy action for anti-social behaviour should not be taken into account if it occurred two or more years prior to the date of application and the tenant's household has conducted a satisfactory tenancy in the mean time.
- 2.3 Officers dealing with the assessment of housing applications will observe the Code of Good Practice as recommended by SHELTER and will be fully trained in the application of the statutory Unacceptable Behaviour Test.

### **3. Assessing ineligibility**

- 3.1 The partnership recognises that whilst it wishes to promote balanced and sustainable neighbourhoods, denying access to social housing might result in broader social exclusion for the households involved. Therefore, applicants will not automatically be made ineligible if their circumstances 'fit' a defined category; each case will be judged on its own merits and efforts will be made to resolve any issues, which prevent applicants from joining the Register.

For the purpose of this document, ineligibility means that an applicant has been denied access to the Common Housing Register and is unable to participate in the

choice based lettings scheme on the grounds of their (or a member of their household's) unacceptable behaviour.

- 3.2 The partnership will consider an application to join the Register where a history of unacceptable behaviour is proved, if the applicant is attempting to modify that behaviour with the help of a recognised support and that agency will continue the support if/when the applicant is housed.
- 3.3 The partnership will ensure that the process for assessing eligibility is both fair and effective in the management of the housing stock. In reaching a decision on whether or not to make an applicant ineligible on the grounds of unacceptable behaviour, all relevant information will be taken into account, including whether the behaviour could have been due to a physical or learning disability or mental health problems.
- 3.4 Where an applicant's behaviour is not serious enough to make them ineligible, it will still be considered in deciding the level of priority received within the Priority Band. For example, where there are low or moderate rent arrears the applicant would be overlooked for offers of accommodation where there are other competing applicants with the same level of need who do not owe any money.
- 3.5 This policy applies to existing tenants applying to transfer and to new applicants joining the Register.

#### **4. Examples of serious unacceptable behaviour**

- 4.1 For the purpose of this document, examples of the type of unacceptable behaviour that will be considered in deciding whether or not to allow an applicant access to the Register include domestic violence, racial harassment, drug dealing, serious noise nuisance, intimidation and any other acts of unacceptable behaviour or serious breaches in tenancy conditions e.g. serious rent arrears, which would make the applicant unsuitable to be a tenant.
- 4.2 Criminal convictions - Applicants who have relevant unspent convictions for serious criminal offences, which may threaten the stability of a community will have their housing needs assessed and all factors will be taken into account before a decision is made regarding their eligibility to join the Register. The partnership will work collaboratively with the police, probation and prison service in an effort to resolve an applicant's ineligibility and improve their chances of being integrated back into the community through a planned and managed approach.
- 4.3 Anti-social behaviour - Where an applicant (or a member of the household) has a history of anti-social behaviour or has breached their tenancy conditions, all relevant facts will be considered before a decision is made. Where anti-social behaviour has been committed by a person who was, but is no longer a member of the applicant's household, the behaviour will be disregarded provided the applicant is not guilty themselves of unacceptable behaviour. The partnership will collaborate with other agencies to try to resolve an applicant's ineligibility e.g. social services, health services etc.

#### **5. Grounds for Lifting Ineligible Status**

5.1 The basic principle for lifting the 'Ineligible' status will be evidenced material change in the applicant's circumstances.. For example:

- Where an applicant has been guilty of unacceptable behaviour, the applicant has demonstrated a material change in their behaviour.
- The applicant has in place a recognised support package that addresses previous misconduct and will continue once housing has been offered under the scheme.
- The relevant conviction has become spent.

5.2 A fresh application will need to be made by the applicant where they have been previously made ineligible and feel that their behaviour should no longer be held against them as a result of changed circumstances.

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

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

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

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

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

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

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

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

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

### Appendix 3: Homeless applicants

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

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

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

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

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

Applicants who have made themselves intentionally homeless or who have been assessed as non priority homeless will be entitled to reasonable preference; the

same will apply to those who are no longer owed the main homeless duty as a result of turning down a reasonable offer of accommodation that was made in writing and subject to the right of appeal; applicants in these categories will be placed in Silver Band .

## Appendix 4: Defining Overcrowding and Housing at Height

.The following assumptions are made on overcrowding:

- That children aged 9 years and above will be seen as requiring a separate bedroom if they are sharing with the opposite sex.
- Couples, married couples and Civil Partners will be expected to share a bedroom
- A bedroom is suitable for two people if it is larger than 10 sq m. A bedroom will be suitable for a single person if it is less than 10 sq m.
  
- A room intended as a bedroom but used for another purpose will still be classified as a bedroom.
- Discretion can be exercised if a child requires their own room due to disability.
- Discretion can be exercised if an applicant needs a room for a carer or to facilitate specialist medical treatment.
- Single Adults aged over 21 will require their own room
- In cases of joint custody of a child or children, recent case law states that only in exceptional circumstances, such as where children have special needs, will it be reasonable for children who already have an existing home with one parent to be provided with another to live with the other parent.

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

## Appendix 5: The Good Neighbour Scheme

This is an incentive scheme for Secure and Assured Tenants of the partner landlords who are accepted on to the Housing Register and who have not, in the past three years, breached their tenancy conditions (including having a clear rent account for that period). Such tenants can apply to be “Good Neighbour Standard” tenants.

Good Neighbour Standard applicants will be placed in Gold band.



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

## Appendix 6: The Offender Initiative

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

- That the tenancy was given up promptly on their imprisonment
- There were no rent arrears or damage to the property
- There was no anti-social behaviour related to the conduct of their tenancy
- That the individual satisfies the Acceptable Behaviour Test on their release.

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

In all cases the property advert will show who is eligible to bid for the property.

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

	<b>Bedsit / Studio</b>	<b>1 bedroom flat / maisonette / house</b>	<b>1 bedroom bungalow</b>	<b>2 bedroom flat / maisonette / house</b>	<b>2 bedroom bungalow</b>	<b>3 bedroom flat / maisonette / house</b>	<b>4 bedroom house</b>	<b>5+ bedroom house</b>
One adult.								
Two adults.								
Three adults.								
One / Two adults with one child.								

One / Two adults with 2 children, both the same sex or both aged under 9.								
One / Two adults with 2 children of different sexes, one aged 9 years or over.								
One / Two adults with 3 children								
One / Two adults with 4 children								
One / Two adults with 5+ children								

Applicants can bid for properties one bedroom larger than the above requirements.

## Appendix 8 Overlooking a Successful Bid

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

The mandatory grounds for overlooking a bid are in relation to housing related debt, MAPPA., Disability, and some forms of tenure.

### 1. Debt from previous tenancies

This is debt to partner and participating landlords (excluding Council Tax) usually for arrears of rent or rechargeable repairs. It is debt in respect of former, not current tenancies.

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

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

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

### 2. Existing tenants of partner landlords

Existing tenants will be overlooked if they are in breach of their tenancy conditions or their property has been specifically adapted as outlined in Section 2.6

### 3.MAPPA

Such applicants are dealt with by Direct Offer as per 4.15. Should such an applicant have made a successful bid and the IT system has not filtered out such bids, then staff will overlook the offer.

### 4. Introductory, Demoted Tenants and Tenants Subject to PPO

Tenants of the partner landlords seeking transfer, who are Introductory, Demoted , Assured Shorthold Tenants (AST) or in breach of a PPO at the time they made their successful bid are not eligible to receive offers.

An exception to this can be made if an Introductory or AST tenant has a change of circumstances which creates a housing need, placing them in Silver band or higher.

### 5. Disability

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

- An extension
- A through floor lift
- Door widening

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

### 6. Health and Safety, Illegality

A successful bid that creates a risk to life, serious health and safety risk, or creates a situation that is illegal will be overlooked.

Discretionary grounds for overlooking a successful bid will include:

- Where the successful bid does not comply with the terms of the advert
- Where the successful bidder has secured an adapted property without having any need for that adaptation. Staff can re-advertise for a one further cycle in this instance
- Where the bid conflicts with the applicant's basis for priority, other than disabled households securing a general needs property that can reasonably be adapted for them.

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

## Appendix 9: -Definition of At Risk of Homelessness

### **Risk of Homelessness**

The following are examples of when a customer is at risk of homelessness; evidence and engagement with Housing Options/ Housing Advice services are required before a customer can be seen as 'at risk'.

- They live in tied accommodation linked to their employment and that employment is coming to an end.
- They have received a valid, legal, written 'notice to quit' from their private landlord giving appropriate notice and the customer has engaged with their local Housing Options/Housing Advice Service. The Officer must be satisfied that the landlord intends to implement the notice.
- One party to a joint Secure, Introductory, Assured or Short Assured tenancy has given notice, ending that tenancy for the other parties and the landlord is not willing to transfer the tenancy to remaining parties or provide suitable alternative accommodation.
- The tenant of a property has died, remaining parties in the property have no right of succession, and there is no offer of suitable alternative accommodation or transfer of tenancy.
- The valid service of a Compulsory Purchase Order or Emergency Prohibition Order.
- Customer subject to demolition of their home.
- Customer has lost their home due to their landlord having been made subject to a re-possession.
- Termination of an Agricultural Tenancy under the terms and administrative processes of the Agricultural Tenancies Act 1976.
- The applicant has been asked to leave by family. Or friends with whom they live.

Applicants connected to the partnership's area are permitted to bid for properties in all seven local authority areas; no other level of local connection is taken into account.

This permits social and economic mobility, improves choice and is integral to a Sub Regional Scheme.

Mobility is framed here with some checks and balances:

- The Project Board will monitor the impact of mobility, linked to baseline data on the level of letting cross boundary in other Sub Regional schemes and the current level of cross boundary letting in North Yorkshire.
- s106 agreements as above
- The discretion to transparently establish Local Lettings Initiatives
- The Project Board reserves the right to limit or restrict cross boundary mobility should a particular local authority area exceed a certain level of **net** inward migration. The Board will consider the impact of any net inward migration that exceeds the current net level (2009) by more than 5 percentage points, imposing a temporary restriction if it sees fit.

e.g.

A local authority makes 400 affordable lets in a year, with 40 lets to people from the other partner council areas, with thirty tenants being let affordable housing elsewhere in the partnership area, then baseline would be +10 or 2.5% of all lets.

Trigger point for review would then be net 7.5% of lets. (again assuming 400 lets, say 40 in and 10 out, net 30.)