



East
Northamptonshire
Council

Policy and Resources Committee – 2 July 2012

Draft Housing Allocation Policy 2012

Purpose of report

This report presents Members with the new Draft Housing Allocation Policy 2012, and seeks approval to release the document for formal public consultation.

Attachment(s)

Appendix 1: Draft Housing Allocation Policy 2012

1.0 Background

1.1 The Localism Act proposes significant housing reform, which is intended to make the system of allocating housing fairer and more effective; and to make it easier for decisions to be taken locally.

1.2 The key features of the Act in relation to housing reform, and relevant to this council, are:

- Allocations Reform – greater freedom for local authorities to set their own policies relating to who can go onto housing waiting lists. This means, for example, that we will be able to prevent people who have little chance of ever securing affordable housing (due to low priority / need) from joining the Housing Register.
- Tenure Reform – under the previous system social landlords were only able to grant lifetime tenancies. The Act enables landlords to grant tenancies of varying length depending on people's circumstances. This section also covers the introduction of the new Affordable Rent tenancy, which has recently been incorporated into PPS3.
- Homelessness Legislation Reform – under previous rules, people who became homeless were able to refuse offers of accommodation in the private sector. The Act provides the option for local authorities to discharge their homeless duty by way of an offer of private rented accommodation, where it is deemed appropriate.

1.3 There are also a number of significant changes to the welfare system, known as 'welfare reform', happening alongside the housing reform, which will need to be considered and progressed by the authority.

1.4 To effectively consider all of these issues, and progress the required pieces of work associated with the Localism Act, a Housing Policy Working Party was set up by this Committee in January 2012 (minute 345).

1.5 In light of the first bullet point above, in relation to allocations reform, local authorities have been invited to review their housing allocation policies.

2.0 Draft Housing Allocation Policy

2.1 All local authorities, including those without housing stock, are required by law to publish a housing allocation policy, setting out how social housing properties in the area will be allocated.

- 2.2 The Housing Policy Working Party has carefully reviewed the existing housing allocation policy against the new flexibilities provided by the Localism Act. The following areas were considered in detail:
- Underoccupation
 - Statement of choice
 - Overcrowding
 - Armed Forces Personnel
 - Preference for employed applicants
 - Prospective adopters and foster carers
 - Local connection
 - Any specific local priorities
 - Bidding Activity

2.3 The policy was then updated to reflect the changes agreed by the working party, resulting in the new draft policy attached at Appendix 1. The amendments from the existing policy are clearly shown as track changes.

3.0 Consultation

3.1 If approved for consultation, the policy will be sent out to a wide range of key stakeholder organisations including:

- Registered Providers
- Neighbouring local authorities
- The council's Homelessness Forum
- Other key organisations such as support providers and the voluntary sector.

3.2 In addition, it will be placed onto the council's website to enable public consultation.

3.3 The consultation period is expected to last approximately 12 weeks.

3.4 After the close of the consultation period, all of the comments and views will be incorporated to create a final version of the strategy. This will then be brought back before this committee for consideration.

3.5 The sections of the Localism Act 2011 which enable the amendments to the policy to be made have not yet come into force. It is anticipated, based on the latest Government information, that this will have taken place by the time the final policy is brought back to this committee.

4.0 Review and Monitoring

4.1 The council has always had a Housing Allocation Policy in place which is reviewed annually, and it is anticipated that this review process will continue. Due to the significant changes in a number of areas, a full annual review incorporating consultation will be undertaken in 2013.

5.0 Equality and Diversity Implications

5.1 It is essential that an allocation policy can meet the wide range of differing applicant's housing needs - including those within the equality strands.

5.2 The authority will be taking forward a number of actions as this draft policy progresses towards a final version:

- Conducting a full Equality Impact Assessment on the draft policy.
- Taking into account the consultation responses on the issue of equality and diversity.

- 5.3 The Equality Impact Assessment will accompany the final version of the policy when it is brought back before this Committee for approval. It has not been prepared at this stage, as officers feel that in doing so it is important to be able to consider all of the consultation responses.
- 5.4 The Local Government Association has recently re-launched the Social Housing Equality Framework (SHEF); to help councils and housing associations ensure that they shape their policies and strategies to meet their obligations under equalities legislation. Councils can assess their draft documents and practices against the framework, to ensure that they would not have a negative impact on any particular groups.
- 5.5 An initial screening of the strategy against the SHEF has not flagged up any concerns; however, officers will be working to assess our full range of housing policies and strategies against the framework as these progress.

6.0 Legal Implications

- 6.1 All local authorities are required by law to have a housing allocation policy in place.

7.0 Risk Management

- 7.1 There are no risks associated with the recommendation below.

8.0 Financial Implications

- 8.1 There are no financial implications associated with the recommendation below.

9.0 Corporate Outcomes

- 9.1 The production of a housing allocation policy contributes towards the following Corporate Outcomes:

- Sustainable – Sustainable Development
- Sustainable – Strong Communities
- Healthy – Improved Housing
- Effective Partnership Working

10.0 Recommendation

- 10.1 The committee is recommended to approve the Draft Housing Allocation Policy 2012 for full consultation.

(Reason: to enable officers to meet the legislative requirement to have an adopted housing allocation policy)

Legal	Power: Localism Act 2011	
	Other considerations:	
Background Papers:		
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Date: 8 June 2012		
CFO	MO	CX



East
Northamptonshire
Council

Housing Allocation Policy



2012

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Statement of Choice

East Northamptonshire Council welcomes the principle of giving applicants an opportunity to express preference in relation to accommodation requirements in the District.

The Council is required to have an Allocation Policy which determines priorities and ensures that reasonable preference is given to those in greatest housing need.

The Common Housing Register has been designed to identify who is in the greatest need for accommodation and to make sure that they are housed to a suitable property as soon as possible. It must however be recognised that there is high demand for social housing in East Northamptonshire and that this demand cannot currently be fully met from the available resources.

East Northamptonshire Council along with its Registered Social Landlord (RSL) partners operate a choice-based lettings system, known as Homes Direct. Applicants can bid for as many or as few vacancies as they wish. This enables applicants to consider the location of relatives, employment, schools and general facilities, which are important to the individual.

There will be certain situations where choice cannot be offered in the allocation of housing. For example where an RSL needs to make a management move as a matter of urgency. Such situations will be the exception and occur infrequently.

This Allocations Policy was agreed by the Council's Policy and Resources Committee at its meeting on (insert).

Definitions

The words printed in bold appear throughout this document and mean the following.

Assistance as defined by Part VII of the Housing Act 1996 - as amended by the Homelessness Act 2002

This means an applicant who is homeless and who did not become homeless intentionally. They must have a priority need and be eligible for assistance from a local housing authority under powers now contained in the Housing Act 1996, Part VII – as amended by the Homelessness Act 2002.

Common Travel Area

Includes the UK, the Channel Island, the Isle of Man and the Republic of Ireland.

Council

East Northamptonshire Council or its Managing Contractors.

District

The administrative area of the Council of the East Northamptonshire District.

Employment

Paid employment in the district.

Guarantor

Person who holds the legal responsibilities for a tenancy on behalf of another person.

House in Disrepair

This means a property that is in a poor condition due to a lack of repair or maintenance.

Housing Register

A list of applicants who are eligible to apply for housing in the district.

Immediate Family

Parents, children, brothers or sisters, step-parents and adult step-children.

Insecure Tenure

Accommodation which an applicant has no legal right of occupancy or the legal right to occupy is ending.

Local Connection	Existing local connection with the district as a result of residence, employment or immediate family that have been resident in the district for 5 years.
Management Move	Exceptional cases where an overriding housing need justifies immediate or more urgent housing.
Nomination	A request from the Council to take up a vacancy in social housing stock.
Notice of Determination	This is the letter that advises you of our decision to include or exclude your application from the Housing Register.
Registered Providers	These are non-profit making landlords who are registered with the Housing Corporation, such as housing associations.
Settled Accommodation	This means somewhere you would live for a longer period of time and is considered a home rather than being 'hostel' type accommodation for a short time.
Social Housing	This is used to describe accommodation that is provided by 'Registered Social Landlords' or Local Authorities (council housing). The Council in East Northamptonshire no longer owns any housing stock.
Temporary Accommodation	Accommodation that is occupied on insecure terms. This could be hostel, refuge or bed and breakfast accommodation. Or accommodation provided under Part VII of the Housing Act.

Allocations Policy

1. ***Legal background***

We have considered all legal requirements (in particular the Housing Act 1996, Part VI, as amended by the Homelessness Act 2002 and Localism Act 2011) when drawing up this Allocations Policy.

2. ***Aims and Objectives of the Housing Allocations Policy***

East Northamptonshire Council no longer holds any housing stock, having carried out a transfer of its entire housing stock to East Northamptonshire Housing, now known as Spire Homes, in 2001. This policy is adopted by East Northamptonshire Council and Registered Providers (RP's) to allocate social housing stock in the district. This will be achieved through a common housing register, operated by a choice based lettings scheme.

The primary aims of the policy are:

- To help people find suitable accommodation within East Northamptonshire.
- To ensure that people seeking a home in the district have as much choice as possible about where they live.
- To ensure that those who have the greatest housing need have the greatest opportunity to secure suitable housing.
- To help contribute to the development of sustainable communities as well as contributing to tackling social exclusion and poverty.
- To consider the requirements of vulnerable people and promote independence, recognising their support needs, and to work with organisations providing care and support to these groups.
- To promote equal opportunities in the policy by ensuring that no one is treated less favourably on the grounds of religion, gender, marital status, race, nationality, ethnic or national origin, colour, disability or sexual orientation and embrace the diversity of the community through a monitoring and reviewing policy.
- To make the best use of available housing resources whilst offering choice.
- To allocate housing in a transparent manner.

The East Northamptonshire housing register is managed for the Council by Midland Heart. The register is used for the purpose of making nominations to Registered Provider tenancies, and for filling vacancies with other Registered Providers in the partnership.

3. ***Equal opportunities and monitoring***

East Northamptonshire Council and its partner Registered Providers are committed to promoting equality of opportunity in housing services.

All applications to the common housing register will be assessed objectively and be treated fairly and consistently. Our aim is to ensure that no person applying for housing is treated less on the grounds of their race, colour, ethnic origin, religion or beliefs, age, physical appearance, disability, gender, sexual orientation or marital status.

So that we can monitor performance in dealing with applications, we will collect appropriate information from the application forms. We ask that all applicants help us by providing the necessary details. The information collected will be used to keep the policy under review and will be kept in the strictest of confidence and in line with the Data Protection Act 1998.

4. *Who can apply to join the housing register?*

Any person(s) over the age of 16 who has a local connection with East Northamptonshire and is capable of maintaining a tenancy and who has a genuine reason for seeking affordable accommodation in the East Northamptonshire District, unless they are:

- People from abroad subject to immigration control or regulations;
- People prescribed as 'ineligible' by Regulations made by the Secretary of State;
- People the Council considers unsuitable to be tenants due to unacceptable behaviour. (see page 17)

Applicants aged 16 and 17 can apply to join the housing register but they must provide details of a guarantor. The guarantor must be a responsible person such as a parent or other close family member, or a representative from a support agency. Until details of the guarantor are received, the registration will be deferred. Once this information is received the application will be assessed in the normal way. (Checks will be made to confirm the guarantor understands what their responsibilities are, and would have the means to take financial responsibility for the tenancy. Further checks will be made at the time of offer). Once an applicant reaches 18, a guarantor is no longer required. People under 18 cannot legally hold a secure or assured tenancy so will be given different occupancy agreements until they reach 18.

16 and 17 year olds that the Council accepts a duty to assistance as defined by Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002, will be dealt with under that legislation.

5. *How can I make an application?*

Every housing register applicant must complete a Homes Direct registration form. The information given on the form must be correct. Homes Direct reserve the right to disqualify any applicant from the common housing register, withdraw any offer of a tenancy or recover possession of an existing tenancy if they have knowingly given false information.

Applicants will be asked to provide proof to support their application. Examples of this will include proof of income benefit, access rights to children and levels of capital. In determining an applicant's eligibility to be accepted onto the common housing register Homes Direct will make any other enquiries as they deem necessary in order to assess the application. This will involve contacting previous landlords and occasionally health or medical advisors, Social Care and Police, etc.

All applicants will be required to identify areas in the district where they would like to live. Applicants can identify as many areas as they like, and applicants' bids will not be restricted to these areas.

We aim to be flexible in our policy so that we can house people in need and avoid properties being empty for long periods of time. Owner occupiers who own a property which is reasonable for them to occupy, or applicants who have financial assets which are clearly large enough to provide access to other forms of tenure to meet their housing need, will have a low priority.

Applicants who are related to a Councillor or a Member of the Board of an RP, or are a member, or related to a member of staff of the Council or from one of the Nene Valley Homechoice Partnership will be asked to declare this on their application form.

Application forms are available from any of the shown address below:

Homes Direct, 50 High Street South, Rushden, Northamptonshire, NN10 0QX

Tel: 0345 6005050

Email: enquiries@homesdirect.org.uk

Website: (insert) where it can be downloaded.

East Northamptonshire Council, Cedar Drive, Thrapston, Northamptonshire, NN14 4LZ;

Homes Direct staff are able to provide assistance to applicants who have difficulties filling out the forms and participating in the scheme. In particular assistance will be provided to anyone who may have difficulty due to disability, learning disability, illness, age, not able to speaking English, or any other reason that might make it harder for them to fully participate in the Homes Direct scheme.

6. ***Change of Circumstances***

Applicants who have a change in their circumstances must update their application and contact Homes Direct on the telephone number above as soon as possible. A change of circumstance can include, but is not limited to:

- A change of address
- A change of contact Telephone number
- People leaving an applicants household or moving into the household
- A change in health

It is the applicants responsibility to inform Homes Direct of a change in circumstance as these may affect Banding. Checks will be made on an applicant's current circumstances before an offer of a tenancy is made.

7. ***Misrepresentation***

Any person who knowingly withholds any information about their housing application or deliberately provides false information to increase their banding group, will be guilty of committing a criminal offence, and could face a fine if convicted. Such an applicant could be suspended from the Housing Register for a certain length of time or even removed from the Housing Register. Any person who obtains a tenancy by deception could face County Court Action to evict them (Housing Act 1996 Part VI).

8. ***Information required to secure a tenancy***

Proof of an applicant's identity and current address is required before they can be offered a tenancy. With joint applicants, proof is required for both applicants.

Required documents	Examples
Proof of identity	Birth certificate with a passport sized photo, passport, photo driving licence, identity card. In exceptional circumstances we will except confirmation of identity from statutory agencies e.g. Probation, Police, Benefits Agency.
Proof of National Insurance Number	Pay slip, National Insurance card, tax notification, Benefit determination letter.
Two different forms of proof of your current address If not a British citizen but a citizen from within the EU a passport will need to be seen	Bank statement, driving licence, utility bill, medical card. Legislation imposes some restriction on the Council's ability to assist or house people from abroad and this needs to be verified.
Those granted refugee status or have leave to enter or remain in the UK, need to bring their original Home Office documents and evidence of being on the Workers Register Scheme.	Legislation imposes some restriction on the Council's ability to assist or house people from abroad and this needs to be verified.
Applicants living with family or friends will need to provide their names and dates of birth	Written information.
Dependent children added under 18 and in full time education	Current year child benefit determination letter identifying details for each child.

Applications will not be offered a tenancy if Homes Direct and/or the nominating Registered Provider is not satisfied that the applicant has given sufficient proof of identity. Details of addresses may be verified by checking a credit reference agency. The full details of information required is identified on the application form.

Deliberately Worsening Housing Circumstances

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher priority on the register, no additional priority will be given.

Examples of this include:

- Selling a property that is affordable and suitable for the applicant's needs in order to qualify for a higher band. When this is the case, the applicant would remain in their previous band.
- Moving from a secure tenancy to insecure or overcrowded accommodation.

For an applicant to have deliberately worsened their circumstances there must be evidence that it would have been reasonable for the applicant to have remained in their original accommodation.

9. ***Local Connection Definition***

In order to meet increasing local housing needs, the Council has chosen to restrict access to the housing register to people with a local connection.

Applicants meeting one of the following criteria will be defined as having a local connection:

- Applicants who have lived in the district for 12 months out of the last 24 months, or 3 years out of the last 5 years.
- Applicants who work in the district full or part-time in permanent employment.
- Applicants who have immediate family members living in the district who have lived here for at least the last five years.
- Other special reasons for living in the district (e.g. the need to be near special medical or support services, which are available only in a particular district).

Applicants with a local connection will be assessed according to their housing circumstances.

Applicants who do not have a local connection with the district will be excluded from the East Northamptonshire Housing Register. They will still be able to register on the Homes Direct system and apply for properties in other areas covered by the system (such as other areas within the East Midlands), but will not be able to apply for properties within the district.

The only exception to this are Armed Forces Personnel or War Widows meeting the criteria below, who will be able to apply for housing in the district regardless of whether or not they meet the local connection criteria. This exception is set by housing legislation and has not been decided locally.

- Armed Forces Personnel are defined by s.374 of the Armed Forces Act 2006. This provides that 'the regular forces' means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force. The 'regular army' means any of Her Majesty's military forces other than: (a) the Army Reserve, (b) the Territorial Army, (c) forces raised under the law of a British overseas territory.
- For the purposes of this policy Armed Forces Personnel means currently serving personnel or former personnel who have served within the last 5 years.
- War Widows means the widows of personnel meeting the two categories above.

10. ***What type of property will I be considered for?***

We like to make the best use of social housing properties in the district that become available. The properties are offered by their size and type, in relation to housing needs. See Appendix 1 for details, 'What type of property could I bid for?'

When bidding for properties, there are a number of very important considerations that applicants should take into account. These include property size, location, property type (ie flat, bungalow), and affordability.

Applicants need to recognize that not all types of accommodation are available in all of the towns and villages in East Northamptonshire.

The Homes Direct team can advise on the properties types which are likely to be very popular and which therefore may take a long time to secure. For example when considering accommodation for older people (60 +), the most popular properties are bungalows, however there is an insufficient supply of these in the district to meet the need. Therefore applicants may wish to consider alternatives such as apartments in sheltered housing schemes.

Affordability is also a key consideration, and Homes Direct can assist applicants to determine which properties are affordable. From April 2013 households on Housing Benefit will have their amount of benefit reduced if they have an extra bedroom. Therefore it is important that this, and other similar issues, are carefully considered prior to bidding.

Applicants should carefully consider the location of advertised properties. Some of the villages in the district are very remote and do not have public transport links. When considering properties applicants may wish to take into account family links, employment, schools and amenities that they may need to be close to.

The table takes account of single person households who have access to one or more children but with whom the children do not reside permanently. Confirmation of regular access is required. Single person households with access to children will normally only be considered for a 2 bedroom flat irrespective of the number of children they have access to. From April 2013 access parents and childless couples living in a 2 bed flat will no longer receive Housing Benefit for the second bedroom.

Applicants 60 years of age are defined as an older person and can be considered for sheltered housing. For an elderly couple only one of the partners has to be 60 years of age. Applicants below that age may still be eligible if they are disabled.

Households that include a pregnant woman are assessed as if the baby has already been born once the pregnancy has reached 24 weeks. Confirmation of pregnancy and the expected delivery date is required. Banding for family size will not be amended until the baby is born and the Birth Certificate has been provided. Applicants can however bid on property suitable for their circumstances identified in Appendix 1.

A child must spend a minimum of 4 nights per week with the applicant, and the applicant must have proof that they receive child benefit for the child in order for them to be classed as a permanent resident with applicant.

Households that have applied to adopt or foster a child / children, are assessed as if they have assumed parental responsibility once they have reached. Confirmation in writing will be requested from the County Council or relevant adoption agency.

Foster parents in receipt of Housing Benefit will not receive benefit for spare bedrooms occupied by foster children.

11. ***What other considerations are there?***

The following circumstances **may be** taken into account, when assessing applications:

- Where an applicant has been identified as requiring a live-in carer (by Northamptonshire County Council Social Care and Health), the accommodation offered may be increased by one bedroom;
- Where a property has been substantially adapted for the needs of a disabled person, the property will only be allocated to applicants if their household would benefit from those adaptations.

12. ***How are applicants selected for allocation?***

Applicants who meet the eligibility criteria for registration will have their individual housing needs assessed and their application will then be placed in a band according to their circumstances. Where an application meets more than two of the criteria, they may be placed in a higher band. In such circumstances a home visit may be required. Final assessment will be made by the Social Needs Panel.

Offers of accommodation are made in line with the banding system. The banding system gives those in the most need a preference. Properties will be offered to the bidder in the highest band who has the earliest Banding date.

Checks on all details that have been entered at the registration stage will be made before making an offer of accommodation. This is to determine the applicant is still eligible to receive the nomination and has updated their circumstances if appropriate after application.

13. ***What are the Bands?***

Priority Card

- Medical/ Social Priority Card (valid for 6 months)
- Property being demolished due to disrepair or compulsory purchase
- Homelessness statutory duty accepted, in priority need, and the Council has not yet met its duty to secure accommodation in the public or private sector (valid for 3 months)
- Urgent management move (valid for 3 months)
- Agricultural worker who qualifies for assistance under the Rent (Agriculture) Act 1976.

Band 1

- Property deemed unsuitable for habitation due to disrepair or lack of amenities (assessed by ENC Environmental Protection Team)

- Statutory overcrowded as defined in the Housing Act 1985, unless caused deliberately.
- Accepted as threatened with homelessness though no fault of their own, not intentionally homeless and currently living in the district. (minimum residence of 1 year).
- Severe medical/social need (assessed by medical panel)
- RSL tenant lacking two or more bedrooms in district
- Under occupation of an RSL property in the district by 2 or more bedrooms
- Lacking any or all of: internal toilet, bathroom or kitchen facilities
- Proven harassment/ violence/ abuse/ other risk
- Separated family due to no suitable accommodation

Band 2

- RSL tenant lacking one bedroom in the district
- Moderate medical/social need (assessed by medical panel) disrepair need
- Under occupation of RSL property in the district by one bedroom
- Move needed to give support to or receive support from a family member – no move would cause physical, emotional or financial hardship to either party (verify address & other evidence)
- Move on accommodation required from supported accommodation in the district after 6 mth residence (must have a local connection).
- Private rented sector tenants in the district lacking 1 bedroom
- Current or former Armed Forces Personnel or War Widows with a local connection
- Household sharing facilities with at least one dependent child over 1 yr

Band 3

- Mild medical/social need
- Applicants residing in private rented accommodation in the district
- Shared facilities (kitchen/ bathroom/ toilet)

Band 4

- Owner occupiers who own a property reasonable for them to occupy; are adequately housed or have financial resources to rent privately and it would be reasonable for them to do so
- Applicants with sufficient resources to purchase a property outright or by way of a mortgage
- Applicants who have sufficient resources to rent privately and it would be reasonable for them to do so
- Those found to be guilty of unacceptable behaviour not serious enough to make them ineligible
- Those with significant rent arrears in the private sector with a local connection
- Applicants residing in the private rented accommodation out of the district with a local connection.
- Current or former Armed Forces Personnel or War Widows without a local connection
- Sheltered tenants wanting to move to alternative sheltered accommodation or to move within the same scheme within the district
- Current RSL tenants

14. ***The Bidding Process***

Available properties will be advertised. Applicants can bid for as many suitable vacancies as they want to. The applicant with the highest priority will be selected and invited to view. Priority will be determined by banding and band date. If there are no successful bids, the property may be re-advertised with a different criteria.

Property advertisements will include a range of information, such as:

- Number of bedrooms and the eligible household size for the property
- Appropriate age range for the type of property e.g. people over 60 years for sheltered housing
- No pets allowed/established local connection to the parish where there is a formal planning agreement
- Age restrictions
- Details of tenancy type (Fixed, Assured etc)

There **may** be occasions when vacancies will be excluded from advertisement. Such occasions will include:

- When a vacancy is required to enable East Northamptonshire Council to discharge their duty to a statutorily homeless household or under the MAPPA Protocol
- Where a property is required for a management move
- When a property has high levels of adaptation making it suitable for a very small number of specific identified households

Social housing is a scarce and valuable resource, and there are insufficient properties available for the number of households seeking accommodation. In addition, time and financial resources are required to maintain a waiting list. Therefore applicants are required to demonstrate that they are actively seeking accommodation.

Bidding activity will be monitored annually, and applicants who have not placed any bids in the last year will have their applications reviewed and may be removed from the waiting list.

15. ***Feedback information***

Every property that has been advertised and allocated through Homes Direct will be included in the feedback information. This information will include details of the number of correctly submitted bids that were received for each property, the band date of the successful applicant and whether a priority card had been used for the property.

16. ***Statutory Homelessness***

Every new application is checked to see if the applicant would be considered a priority for assistance under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002. If the applicant fits into this category, the homeless team will contact them about making a homelessness application. The Council may have a duty to provide temporary accommodation until a permanent home can be found. Where such a duty is

accepted, applicants will automatically be included on the Housing Register. Applicants who are found to be unintentionally homeless but not in a priority need, will also be automatically included on the Housing Register.

Whilst the Council supports and encourages applicants having a choice over their housing options, we may on occasion need to discharge our homeless duty into private sector accommodation. Where we feel that this is necessary – for example because of no available temporary accommodation – we will work with applicants to ensure that properties are only considered where they are suitable and appropriate.

17. ***Intentionally Homeless***

Applicants who have been found to be intentionally homeless can register their need for housing unless they or a member of their household has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.

There is a legal process that needs to be followed if the applicant falls within a priority need category of the homelessness legislation. Appropriate investigations are made into the applicant's circumstances and applicants are informed in writing of the decision. If accepted for housing as a homeless person, the applicant will be issued with a priority card, which has a time limit. Applicants are then entitled to one reasonable offer of accommodation from the Housing Register. If they do not use this priority card to secure accommodation during the time limit, East Northamptonshire Council will start bidding on their behalf. If the applicant refuses their one offer of accommodation the Council will have no further duty to help them under the homelessness legislation. Applicants have a right to request a review of the offer.

Preference will also be awarded to those found to be homeless who do not fall within the priority need categories. In some cases, the Homelessness Team may also arrange temporary accommodation.

If after completing our investigations we decide that they have become homeless intentionally, we will give advice and assistance in finding them accommodation. In some circumstances, we may provide/arrange temporary accommodation, but this would only be for a limited period.

18. ***Priority Card System***

3-month time limited homeless priority card

Homeless households that East Northamptonshire Council has a legal duty to accommodate under the terms of the Housing Act 1996, Part VII, as amended by the Homelessness Act 2002, will be provided with a Priority Card for a 3-month period commencing from the date of the homelessness decision.

Any person experiencing housing problems or wishing to make an application as homeless needs to contact the Housing Options Team, at 50 High Street South, Rushden, Tel: 0345 600 5050.

19. ***Medical Assessments***

Applicants who feel they need to move to be housed on medical grounds will be required to complete a separate medical assessment form giving details of their health problems, how their current accommodation affects their condition and how re-housing will help.

The Council will consider expert advice from the Council's medical advisor before determining the level of priority that will be given. Applicants should note that whilst advice will be sought, the final decision will be made by the Council. Where an applicant has been awarded a Banding group due to a requirement for a specific type of property due to their medical condition, i.e. ground floor, the band can only be used to bid for that type of property.

20. ***Medical/Social Priority Cards***

Where an applicant's medical/ social situation is affected by their housing conditions, we will undertake a medical/ social assessment of the situation. The following groups will be awarded a Priority Card for a 6 month period initially. If the applicant has been unsuccessful in finding suitable accommodation & they continue to have an urgent need to move, the Priority Card may be renewed for a further 6 months. Failure to bid whilst holding a Priority Card when suitable properties have been advertised will be looked at during the re-assessment process:

- Applicants with an urgent medical need to move (this would include a progressive or chronic medical condition which is affected by ability to cope in the present accommodation, such conditions would be addressed by re-housing). This will be verified by an assessment panel and will require medical evidence to be provided at the applicant's expense.
- Applicant with an urgent social need to move (this would include applicants, or members of their household, who are subject to severe harassment, threats of violence or actual violence, or threats of physical, emotional or sexual abuse). This will be verified by an assessment panel and will require evidence.
- Existing Housing Association Tenant whom the landlord needs to re-house because of urgent housing management reasons.

21. ***Medical/Social Need Assessment Panel***

This panel will consist of an officer from the District Council, an officer from the Contractor and an independent medical advisor. The panel will meet monthly. Urgent cases (e.g. discharge from hospital) will be dealt with as soon as possible.

22. ***Right to Review a decision of the Medical/Social need assessment panel***

Applicants seeking a review must put their request in writing to the Housing Services Officer within 21 days of receiving a decision, giving their reasons for requesting the review. A review panel will consider the applicant's request. The Review Panel will

comprise of a senior officer from the District Council, a senior officer from the Contractor and the independent medical advisor. There is no further right of appeal.

23. *Use of Priority Cards*

Applicants will be able to use their priority card on as many vacancies as they wish during any given advertising period.

24. *Ranking of Priority Cards*

The 3-month time limited Homeless Card, the Medical Card and the Social Card are all ranked equally. If more than one cardholder within the above group applies for the same property, priority will be decided firstly by Band date, date of registration or if necessary, by length of tenancy.

25. *Transfers and Local Letting Policies*

All existing tenants of housing associations living in East Northamptonshire can register for a transfer. In rural areas, there may be some sites where planning permission or funding was given subject to a condition that the development should be allocated to local people from that location (often in a formal Section 106 agreement). In such cases properties will be advertised stating that priority will be given to people connected to the village.

The Council may from time to time agree a local letting policy for a specific areas or developments to reflect local circumstance. Any local letting policy will have regard to housing management considerations such as the social mix of tenants, density, age range, and community stability. Under a local letting policy some properties may be allocated to applicants who do not fall within the reasonable preference categories.

26. *Offer of Tenancy*

All tenancy offers will be made in writing and will, if possible, include the date the tenancy will start and details of the weekly rent and any service charges. Applicants will be given 3 days from when a provisional offer is made to decide whether to accept the offer.

27. *Refusals of Offers*

3-month time limited homeless priority card:

If a statutorily homeless applicant successfully bids for a property but subsequently refuses the offer made, East Northamptonshire Council will be deemed to have discharged its duty under the homelessness legislation to provide the applicant with accommodation, providing the offer was reasonable. The applicant will have their PC removed and will be banding in Band 1 for the remainder of the 3 month period.. If they have been unsuccessful in finding accommodation before the end of that period, they will have to rejoin the register accord to the policy. Homelessness applicants placed in temporary accommodation will be required to leave the accommodation, subject to reasonable notice. Applicants have a right of appeal if they feel that the offer is unsuitable.

Standard Register applicants will be made 2 offers of accommodation if both offers are refused the applicant will be deferred for 6 months. Before an applicant is deferred, checks will be required to determine all of the offers were reasonable in relation to the applicants housing circumstances. Applicants will have the right to request a review of the decision to defer their application.

28. ***Imperial Court Extra Care Scheme***

This is a scheme for elderly applicants requiring daily or personal care support. Applicants requiring this scheme should be able to care for themselves and live independently with such care services. Applicants for this scheme will need to complete a Register form and an Extracare Housing referral form. The Banding system will not be used to allocate to vacancies. Priority will be given to applicants with a local connection (see page 8) and who meet the support provision for the vacancy. Length of time on the Register will be considered where support requirements are equal among applicants.

29. ***Shared Ownership***

Applicants who wish to be considered for shared ownership dwellings will be required to show that they can afford and obtain a mortgage to the required level. Applicants will need to demonstrate they cannot afford to buy a property of a suitable size in the district on the open market. The following will be considered:

- Income of applicant(s)
- Essential expenditure
- Purchase price
- Any special circumstances relating to the applicant

30. ***Persons who will be excluded from joining the common housing register***

Current legislation states that the following are ineligible to join the housing register:

Immigration:

A person from abroad who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996 will be ineligible, unless they are of a prescribed class of persons by the Secretary of State who are subject to immigration control but are eligible for an allocation.

Certain persons from abroad, who are not subject to immigration control, but need to be habitually resident in the Common Travel Area (as defined in the Allocation of Accommodation Code of guidance for local housing authorities).

Any application identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. The Council reserves the right to seek independent advice and assistance to resolve the issue of eligibility. This may mean contacting the Home Office Immigration and Nationality Directorate.

Local Connection:

Applicants who do not have a local connection with the district will be excluded from the East Northamptonshire Housing Register. They will still be able to register on the Homes Direct system and apply for properties in other areas covered by the system (such as other areas within the East Midlands), but will not be able to apply for properties within the district.

The only exception to this are Armed Forces Personnel or War Widows meeting the criteria set out at paragraph 9 above.

31. *Persons who may be excluded from joining the common housing register*

Applicants will not be allowed to join the housing register if the applicant, or any member of their household who wish to be housed with them, are guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of a Housing Authority, and there is sufficient evidence that this behaviour is likely to continue and create problems for the neighbouring households.

In order to determine whether someone's behaviour is serious enough to make them ineligible to apply to the housing register, the behaviour is to be so serious that, had the applicant been a tenant of the local authority, the authority would have been entitled to a possession order under Section 84 of the Housing Act 1985 on any ground detailed in Part 1 of Schedule 2 of the Act, with the exception of ground 8. Anti social behaviour is a serious issue which can have a significant impact on the quality of life of those exposed to it. The Council take a hard line on anti-social behaviour. Where an application for housing is received, and previous anti social behaviour is suspected, we will make detailed investigations through our close partnerships with the Police and other agencies. If the behaviour is perceived to be serious enough to pose a risk to future potential neighbours, the applicant may be excluded from the Housing Register.

Applications from any person who has been evicted from a previous address solely due to anti social behaviour may be refused.

Behaviour which may lead to possession on such grounds may include:

- rent arrears
- breach of tenancy agreement
- nuisance or annoyance to neighbours including anti-social behaviour
- conviction of using the property for immoral or illegal purposes
- damage or neglect
- conviction for arrestable offence committed in the locality of the premises
- domestic violence causing other to leave
- making a false statements to gain a tenancy

Those applicants with convictions that are identified in Schedule 2 Part 1 of the 1985 Housing Act, may be excluded from the Housing Register. Applicants with convictions not identified in Schedule 2 Part 1 of the 1985 Housing Act. Would be eligible to apply whether a custodial sentence has been served or not. Eligible applicants applying from

Prison will be deferred until release, as they are not in a position to accept accommodation.

East Northamptonshire Council needs to be satisfied that the behaviour is serious enough to make the person unsuitable to be a tenant of a housing authority. The Council will work closely with the National Probation Services and have regard to the Housing and Returning Prisoners Protocol (formulated by the East Midlands Prisons Resettlement Team) and the MAPPA Housing Protocol. RPs will be expected to assist the local authority in providing accommodation under this protocol.

East Northamptonshire Council will also need to be satisfied that the applicant is unsuitable to be a tenant by virtue of their behaviour at the time of application. Previous unacceptable behaviour may not justify ineligibility where it can be shown behaviour has improved.

If all three aspects are satisfied the Council can consider exercising its discretion to decide that the applicant is to be treated as ineligible to join the Housing Register.

If an applicant has in the past been deemed by the Council to be ineligible, but now considers that the unacceptable behaviour should no longer be considered due to a change in circumstances, a fresh application can be made. Unless there has been a lapse in time it will be for the applicant to demonstrate that there has been a change in circumstances.

Where it has been decided that an applicant is ineligible for an allocation of housing the Council will inform the person in writing of this decision, stating the grounds for the decision. Applicants have a right to request a review of this decision. The determination of the review will be made by the Housing Services Officer.

Applicants can request a review if they consider that their registration has been assessed incorrectly and/or they have been placed in the wrong Band, or they want to be considered for a property type that they are not eligible for under the policy.

Applicants requesting a review of the decision must submit a written request within 21 days of the date on the notification letter.

The request for a review should be addressed to:-

**Housing Services Officer
Planning Services
East Northamptonshire Council
Cedar Drive
Thrapston
Northamptonshire NN14 4LZ**

A Council officer will carry out the review within 56 days from the date of receipt of a written request. A written notification of the decision, including the grounds for the decision, will be sent to the applicant. All correspondence will be sent to the applicant's home address or a mailing address of their choice. If the applicant is of no fixed abode the correspondence can be collected from the Council offices in Thrapston. The correspondence will be kept for a period of 28 days.

If at any time the Council obtains evidence that an applicant already accepted onto the housing register is ineligible for housing, the applicant will be advised that their application will be cancelled. Applicants will have the opportunity to use the review procedure if they are able to show this decision to be incorrect.

Those that have been found guilty of unacceptable behaviour, but where it is not serious enough to make them ineligible to join the Housing Register e.g. criminal convictions will be placed in Band 4.

32. ***Right to refuse making a Nomination.***

East Northamptonshire Council and its partner Registered Providers reserve the right not to offer an applicant accommodation in a particular location, where there is reasonable evidence that an applicant has a history of violence or abusive behaviour against particular individuals which may affect other residents in East Northamptonshire.

33. ***Rent Arrears***

Applicants who are former or existing Registered Provider or Local Authority tenants, and have rent arrears or other forms of housing related debts (housing related debts include rent arrears, rechargeable repairs, Court costs and Rent Advance debts. Housing Benefit, Council Tax & Mortgage arrears are excluded) of less than 4 weeks be registered. However their application will be deferred until this debt is cleared. In exceptional circumstances referrals can be made to the Social Need Panel

Applicants who are former or existing Registered Provider or Local Authority tenants, and have rent arrears or other forms of housing related debts more than 4 weeks may be referred to the Social Need Panel if there are exceptional circumstances. Decisions will be made by the Social Needs Panel on a case by case base.

Previous commitment to pay arrears will be considered.

Statutorily Homeless Applicants

Statutorily homeless applicants with rent arrears or other debts to a former social landlord will be dealt with under the homelessness legislation. They will be issued with a 3-month priority card with their decision letter.

Accepted homelessness applicants in temporary accommodation where the level of arrears is not sufficient to serve a notice, and the local authority are required to discharge their homelessness duty, will be considered for a nomination on a case by case basis. RPs have agreed not to automatically exclude these applicants on the basis of the arrears. However they may wish to refuse an applicant if they still have outstanding debts with that landlord on either former or current tenancy.

34 ***Review of Decision***

If an applicant has been assessed as not eligible to join the Housing Register, they will be sent a letter advising them of the reasons for their exclusion. This letter is called a Notice of Determination and it will show how the applicant can request a review of this

decision. Applicants may want to request a review of a decision to exclude them from the register, or regarding the degree of priority awarded to their application. Applicants may also want a review of the type of property that they are eligible for under the scheme.

Applicants who want this decision to be reviewed must request this in writing within 21 days of receiving the Notice of Determination, stating the grounds for the review. The letter should be sent to the Housing Services Officer, East Northamptonshire Council, Cedar Drive, Thrapston, Northamptonshire, NN14 4LZ. It can be faxed on 01832-734839 or emailed to housing@east-northamptonshire.gov.uk.

The review will be carried out by a Council officer. A decision on the request for a review will be made within 56 days from the date the written request is received by the Council. The right to a review of a decision does not prejudice an applicant's right to direct their complaint to the Local Government Ombudsman, the Housing Ombudsman or other appropriate bodies.

35. ***Annual renewal of your housing application***

Housing applications need to be renewed annually on the date they were registered. This is to make sure you still want housing and your details are the same. The renewal will be in the form of a letter. The applicant will be expected to respond to this letter with 14 days. Failure to respond will result in a follow up letter advising that the application will be cancelled within 14 days unless there is a response. If after this there has been no contact, the application will be cancelled.

36. ***Review of Allocation Policy***

The Allocations Policy is monitored to make sure that allocations made reflect housing need, and meet with the requirements of legislation. This policy will be reviewed regularly by the partnership agencies to ensure that the aims and objectives of the Common Housing Register are met.

This Policy is adopted by :

East Northamptonshire Council

Accent Nene

Aragon

Bedfordshire Pilgrims Housing Association

De Montfort Housing Association

East Midlands Housing Association

English Churches Housing Group

Housing 21

Jephson Homes

Leicester Housing Association Ltd

Midsummer Housing Association Ltd

Midland Heart Housing Association

Minister General Housing Association

Northamptonshire Rural Housing Association

Orbit Housing Association

Places for People

Raglan Housing Association Limited
Rockingham Forest Housing Association
Sanctuary Housing Association / Asra-Midland Housing Association
Servite Housing
Spire Homes
St. Matthews Housing Society

What type of property could I bid for?

		1- bed flat or Maiso-nette	1 Bed House	2-bed flat or Maiso-nette	2 Bed House	3-bed flat	3-bed Maiso-nette	3 Bed House	4 Bed House	5 Bed House
Bedsit	✓	✓		✓						
Single person	✓	✓		✓						
Single person with access to children	✓	✓		✓						
2 Adult household		✓		✓						
Childless couple		✓		✓						
1 child family or pregnant (over 24 weeks)				✓	✓					
2 child family or 1 child and pregnant (over 24 weeks)				✓	✓	✓		✓		

3 child family or 2 children and pregnant (over 24 weeks)			[REDACTED]		[REDACTED]	✓	[REDACTED] ✓	[REDACTED] ✓	[REDACTED]	
4 child family or 3 children and pregnant (over 24 weeks)			[REDACTED]		[REDACTED]	✓	[REDACTED] ✓	[REDACTED] ✓	[REDACTED] ✓	
5 or more child family (subject to Maximum Occupancy Rules)			[REDACTED]		[REDACTED]	✓	[REDACTED] ✓	[REDACTED] ✓	[REDACTED] ✓	✓

Please Note: Sheltered Accommodation is not available to people with Children	Scattered Bedsit for Elderly/ Disabled	Sheltered Bedsit for Elderly/ Disabled	Scattered 1 Bed Flat for Elderly/ Disabled	Sheltered 1 Bed Flat for Elderly/ Disabled	General/ Scattered 1 Bed Bungalow For Elderly/ Disabled	Sheltered 1 Bed Bungalow for Elderly/ Disabled
Elderly / Disabled Single	✓	✓	✓	✓	✓	✓
Elderly / Disabled Couple			✓	✓	✓	✓
Elderly / Disabled 2 Adult Household			✓	✓	✓	✓
1 Child Family – Elderly / Disabled						
2 or more Child Family – Elderly / Disabled						

Please Note: Sheltered Accommodation is not available to people with Children	Scattered 2 Bed Flat for Elderly/ Disabled	Sheltered 2 Bed Flat for Elderly/ Disabled	General/ Scattered 2 Bed Bungalow for Elderly/ Disabled	Sheltered 2 Bed Bungalow for Elderly/ Disabled	General/ Scattered 3 Bed Bungalow For Elderly/ Disabled	Sheltered 3 Bed Bungalow for Elderly/ Disabled
Elderly / Disabled Single	✓	✓	✓	✓		
Elderly / Disabled Couple	✓	✓	✓	✓		
Elderly / Disabled 2 Adult Household	✓	✓	✓	✓		
1 Child Family – Elderly / Disabled	✓		✓		✓	Discretionary
2 or more Child Family – Elderly / Disabled	✓		✓		✓	Discretionary

3 Generation families: Please contact Homes Direct for advice on 0345 6005050