

**Appendices**

**Appendix 1**

**REVIEW OF OLDHAM COUNCIL'S ALLOCATIONS SCHEME**

**CONSULTATION QUESTIONS**

**Introduction**

- We launched our housing allocations policy last February
- We'd like your views as part of a review that we're doing as the policy's a year old and in view of the opportunities in the Localism Act
- (Explain briefly what the allocation policy main points are – 5 categories / working xtra etc)

Are you aware that we prepared a new allocations policy last year? If so, before we met what was your understanding of the key points of how it works?

**1. Eligibility**

The Localism Act gives the council power to determine for itself who should and should not be eligible under its allocation scheme.

Currently there are over 7,000 people on our waiting list, but only around 1600 have identified 'housing need'. The rest (around 5,400) have little or no housing and are considered to be adequately housed. Therefore these households have been placed in standard or low band.

The Localism Act says that we no longer need to keep or accept households on the register who're adequately housed. What's your view on this?

What do you think might be the issues for landlords if these groups weren't on the housing register?

**At present existing tenants who are adequately housed, for example in a two bedroom flat/ house, are allowed to transfer to a similar sized property elsewhere.**

The Localism Act says we no longer have to accept applications from tenants who are suitably housed but wish to move. What's your view on this?

What are your views on giving priority to households with no local connection to Oldham?

What are your views on allocating social housing to households who can afford to rent privately (with out Housing Benefit) ?

What are your views on allocating social housing to households who have poor tenancy records?

Currently, we refuse applications from anyone with 'unacceptable behaviour' – this includes serious rent arrears, causing nuisance to neighbours and obtaining tenancies by deception.

We are now allowed to extend this to include criminal convictions, breach of injunctions, Anti Social Behaviour or rent arrears. What is your view on extending this test?

Up to 20,000 people leave the armed forces each year and some face difficulty in finding a home. Although few ex-service personnel seek a home in Oldham, the Government would like councils to consider give them priority on the housing register. We do this already using discretionary powers. What is your view on formalising this?

**3. Overcrowding**

Some households who need a four bedroom home are allowed to choose and move to a three bedroom home. Whilst this does not resolve their housing need it does alleviate their overcrowding. However, they're allowed to keep bidding, as they're still one bedroom short of their need.

What are you views on advising overcrowded households on the register to only bid for properties which will resolve their overcrowding?

**4. Fostering**

Currently, when foster carers apply for social housing, their room need is based on their current household size.

The Government suggests councils (i) should consider offering foster carers properties with an extra bedroom, so that they can foster children on placement (ii) Set aside a quota of properties to encourage more couples to consider fostering? What are your views on this?

**5. Homelessness**

The Localism Act allows councils to end the homelessness duty by offering a suitable private rented property?

The advantage of this option is that it will increase customer choice. It could prove unpopular and many households could exercise their appeal which would take up a lot of officer time.

What are your views on adopting this option?

**6. Open Door**

Open Door policy enables households with little or no housing need to secure a social housing tenancy. One of the disadvantages is that people may see this as an ‘insurance policy’ where people join the waiting list if they need social housing in the future.

Currently 5% (approx. 75 properties) of lets per year are made by date order irrespective of housing need? What is your view on maintaining the open door policy?

**7. WorkingXtra**

Councils are encouraged to use their allocation policies to support households who want to work as well as those who may not be in employment but contributing to their community in other ways. We included the WorkingXtra initiative in our policy last year and it is proving very popular among customers. This policy also supports the council’s cooperative agenda.

15% (225 properties) of re-lets per year are made to households who qualify under the Workingxtra? We also let 50% of new builds per year to households who qualify for WorkingXtra.

80% of lets are made to people in housing need and 20% to people who are adequately housed (Open Door and WorkingXtra).

Is this the type of balance you think is appropriate?

**8. Determining priority between households (question for partners)**

Priority between households who are in the same band is determined by date order. The Localism Act allows us to introduce other criteria to determine priority between households in the same band e.g. local connection, working or training, behaviour, etc. or we can use a combination of the two. What’s your view on this?

**8. Do you have any other comments you would like us to consider?**

## **APPENDIX 2**

### **OLDHAM COUNCIL REVISED ALLOCATIONS SCHEME JULY 2012**

**July 2012**

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# OLDHAM COUNCIL ALLOCATIONS SCHEME

## INTRODUCTION TO THE SCHEME

### Introduction

1. This revised allocations scheme amends Oldham Council's Choice Based Lettings (CBL) scheme which was launched in March 2011. The scheme has been amended to ensure it meets the requirements and opportunities provided by Localism Act 2011 and the supporting new Code of Guidance on allocation of accommodation.
2. Under the Housing Act 1996, the council is responsible for the allocations scheme and must use it to allocate housing. First Choice Homes Oldham (FCHO) manage the Council's housing register, allocate their own and council homes and make nominations to registered providers in accordance with this allocations scheme.

References to 'the council' include the actions of others, including FCHO acting on behalf of the council.

3. In Oldham, the council and FCHO will allocate the great majority of housing in accordance with this scheme. For allocations to properties managed by Housing 21 and Inspiral (Oldham Ltd) under the PFI contracts, the allocations policy will indicate any areas where the process differs on account of contractual variations.
4. Great Places Housing Group already lets all of its homes in Oldham in accordance with the scheme and through choice based lettings. The council invites other registered providers to adopt this allocations policy and to participate in a shared choice based lettings system.
5. The allocations policy includes provision for nominations to housing associations, referrals to other local authorities, and use of mobility and exchange schemes. The aim is to maximise opportunities for applicants and in the longer term, to work towards an expanded choice based lettings scheme incorporating other landlords and managing agents.
6. Any changes to the allocations scheme will need to be approved by the council. If minor changes are required, the decision will be delegated to the Executive Director of Neighbourhoods. Should significant changes be required, consultation will take place with all relevant statutory and voluntary sector organisations and tenant representatives.
7. The Council's performance management framework will ensure that the allocations scheme is monitored and reviewed at least annually. It also allows for customer and councillor feedback to be incorporated into the review process and to inform future developments.

### Aims of the allocations scheme

8. There is a continued substantial demand for rented housing across

Oldham. The scheme seeks to achieve a balance between enabling the council to fulfil its statutory duty to give reasonable preference to those in urgent need of housing, to allow fair access to all eligible housing applicants and also to promote more sustainable communities, for example by giving priority to people who are economically active / preparing to become economically active.

9. The allocations scheme aims to provide:

- A scheme that meets all legislative requirements
- A simple and straightforward application system
- A fair, accountable and transparent allocations system based on Choice Based Lettings that ensures that applicants in need are rehoused
- Choice to applicants balanced against the shortage of social housing
- A scheme that ensures that no group or individual is discriminated against as a result of this policy and to promote equal opportunities

10. In law, a local housing authority allocates housing accommodation when it:

- Selects a person to be a secure or introductory tenant of its own housing accommodation
- Nominates a person to be a secure or introductory tenant of housing accommodation held by another agency or landlord
- Nominates a person to be an assured or introductory tenant of housing accommodation held by a registered social landlord

11. The council and FCHO are committed to:

- identifying and removing disadvantage from rehousing services and policies
- improving access to housing services for everyone
- monitoring service outcomes to ensure that they do not discriminate against any section of the community.

The council aims to operate a fair, non-discriminatory policy in letting properties, whilst complying with the requirements of the Disability Discrimination Act, the Commission for Racial Equality Code of Practice for Rented Housing, the Sex Discrimination Act 1975 and the Race Relations Act 1976 (amended 2000).

### **Legal requirements**

12. The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with a published allocations scheme. The law covers all allocations to the council's housing stock and all nominations made by the council where a person becomes an assured or an assured shorthold tenant of housing accommodation held by a registered provider

(previously known as registered social landlords / housing associations).

By law, a summary of this allocations scheme must be made available to any person who asks for a copy. This document is the full version of the scheme: a summary of the scheme is available from the FCHO offices at 1 Media Square, Phoenix Street, Oldham OL1 1AN.

13. The Act also requires local authorities to publish within its policy the council's position on offering applicants a choice of housing accommodation, or the opportunity to express preference about the housing accommodation to be offered to them.
14. This policy complies with all the requirements of the Housing Act 1996 and takes into account the Code of Guidance on 'Fair and Flexible' issued in 2009.

### **Meeting housing need in Oldham**

15. This scheme is based on:
  - the recognition of reasonable preference categories that are set by law, i.e. those applicants who must be given reasonable preference under the council's allocations scheme
  - the principle that social housing priorities should be set on the basis of an applicant's housing needs
16. Reasonable preference for housing must be given to those in the categories in the 1996 Housing Act, amended by the 2002 Homelessness Act, listed below. A full description of each of these categories and how they are applied is given in paragraphs 135-139 of this policy. The statutory reasonable preference categories cover:
  - all categories of homeless people (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with Oldham Council)
  - people occupying insanitary, overcrowded or otherwise unsatisfactory housing
  - people who need to move on medical or welfare grounds (including grounds relating to a disability)
  - people who need to move to a particular locality within the district to avoid hardship to themselves or others

In addition, additional priority will be granted to reflect the needs of those applicants owed reasonable preference that the council believes have urgent housing needs.

17. Even if an applicant is assessed as coming under one of the statutory reasonable preference categories listed above, they may still be awarded a lesser priority or no priority compared to others in that category as a result of their circumstances or actions. Reduced or no priority may be awarded where:
  - there are current or former arrears owed to a social or private

sector landlord and the council is not yet satisfied with the actions being taken by the applicant to resolve the arrears

- current or former unacceptable or anti-social behaviour is / has taken place and the council is not satisfied that this behaviour has been fully addressed
- applicants with access to a certain level of financial resources
- applicants without a local connection to Oldham
- applicants who have refused three offers of accommodation that they have bid for or have been offered directly under the policy
- reasonable preference applicants in the emergency and high bands who have not bid at all within the a six month period when suitable properties have been available

### **Administering the allocations scheme**

18. Oldham Council is required by law to formulate, adopt and amend an allocations scheme. While there is no statutory requirement to maintain a housing register, there are significant practical reasons for doing so. The council has contracted FCHO to administer its housing register and all allocations made under this policy on its behalf. References in this policy to the council mean FCHO who administers this scheme on the council's behalf. The council retains full responsibility for the policy itself (including any amendments to it) and for consulting registered providers on any proposed changes to the policy.

19. The administrative functions that the council has delegated to FCHO include:

- the receipt of housing applications
- all assessment matters and decisions regarding eligibility under the scheme
- carrying out any statutory review of a decision made
- making arrangements to ensure that advice and information on allocations and the council's scheme are available in the Oldham district
- making the actual allocation decision under the scheme and arranging for the sign up of any FCHO tenancy
- administration of the choice based lettings scheme

Applications for housing under the council's allocations policy will be made direct to FCHO using a standard form agreed with the council.

20. The allocation of properties due to the council under its nomination rights with all registered providers in Oldham will be undertaken by FCHO according to the policy. This will include nominating applicants to other registered provider properties that the council has nomination rights to. It is an objective of the council that all registered providers will voluntarily agree to adopt the council's policy and a common housing register, so that all social housing in Oldham is allocated under one policy.

### **Oldham Council's policy on choice and applicants expressing preferences regarding areas that they may wish to live in**

21. Under section 167(1A) of the Housing Act 1996, Oldham Council's allocation scheme must include a statement of the authority's policy on offering applicants a choice of housing accommodation or the opportunity to express preferences about any accommodation to be allocated to them. Applicants should note that it is only a requirement to be informed of the authority's policy on choice and expressing preferences; this should not be confused with a requirement to offer applicants choice or unlimited choice.
22. The council requests that an applicant should state those areas where they believe that they cannot live due to a fear of violence, harassment or domestic abuse. This is to assist the council in making more informed decisions where occasionally either direct lettings or nominations may need to be made to registered providers and where it agrees that those fears are sufficient for the council to accept as reasonable for not allocating accommodation in certain areas. This decision will however rest with the council.
23. Generally the council will take into account any applicant's preference for an area, but cannot be bound by it when considering whether an applicant has been reasonable in refusing a property they have bid for, unless the council considers that the reason for expressing a particular preference is essential.

### **Monitoring and evaluation**

24. The allocations policy and guidelines are reviewed periodically and improved upon in the light of experience gathered from their operation and any emerging best practice and case law relating to the allocation of accommodation.

Housing needs and demand information is collected and reported on quarterly / annually. We monitor:

- profiling information for applicants (age, ethnicity, disability, reasonable preference categories, etc.)
- average relet times and total void periods
- offers, reasons for refusal and lettings by area, banding and profiling information (age, ethnicity, reasonable preference categories, etc.)

Reports on the above monitoring areas will be reported to the council, FCHO, OHIP and registered providers. Results will be published for members of the public to view.

### **Equality and diversity**

25. The council aims to implement and maintain services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age or sexual orientation, nor is disadvantaged by the application of a rule, condition or requirement which has a discriminatory

effect which cannot be justified by law. Allocations will only be made to those persons who are eligible and have been placed on the housing register.

26. **Complaints**

An applicant who is not satisfied with the service they receive may register a complaint under First Choice's complaints procedure.

**THE HOUSING REGISTER**

27. Oldham's housing register contains details of all people who have applied for social housing. Allocations of, and nominations to, registered provider (commonly known as registered social landlords / housing associations) accommodation will only be made to people who have applied to be placed on the housing register and qualify under the scheme.

Applicants who wish to apply for homes owned by the council but managed by a PFI agent (Housing 21, Inspiral) should register and apply as described below.

**Eligibility for the housing register**

28. Any United Kingdom resident aged 16 years or over can apply for accommodation by completing an application form. The council and partner registered providers may have special arrangements if they provide accommodation to anyone under 18 years. Paragraph 34 contains details of the circumstances in which Oldham Council will grant a licence.
29. All individuals or households owed a full homelessness duty under sections 193 (2) or 195 (2) of the Housing Act 1996 will automatically be registered with the scheme, with a registration date when they presented as homeless to the council.
30. The council will register applicants that are not currently living permanently in the UK but are eligible for housing.
31. Married, civil partners and cohabiting couples, same sex couples and brothers and sisters who wish to live together can make joint applications. In such cases, it is usual for a joint tenancy to be granted in the event of an offer of accommodation being made. Joint tenancies may be considered in other cases if appropriate. It is for the council / registered provider to decide whether to allow a joint tenancy depending on the circumstances of the case.

**Young people aged 16 and 17**

32. The Council will accept applicants who are aged 16 or 17 if they have income sufficient to meet their housing and everyday living costs. This will be assessed in line with welfare benefit levels and regulations.

In addition, the council will accept applications from people aged 16 or 17 if they are in one of the following groups:

- Classed as homeless or threatened with homelessness, eligible for homeless assistance, in priority need and not intentionally homeless under the Housing Act 1996 (as amended by the Homelessness Act 2002)
- Vulnerable, or likely to be seriously prejudiced if accommodation is not offered and the applicant has agreed a support package under the provisions of the Children Act 1989
- Owed a duty to provide accommodation under the Children (Leaving Care) Act 2001
- Where the Transitions team has accepted responsibility for finding appropriate accommodation

33. 16 and 17 year old applicants will be granted renewable six month licences rather than tenancies. Such licences will be conditional on accepting an agreed package of support. If the support is rejected, then the licence will not be renewed. Once the licensee reaches 18 years, the licence may be converted to a tenancy, provided sufficient progress has been made in terms of skills for daily living, tenancy management, etc.

#### **Applicants not eligible to join the housing register**

34. The Housing Act 1996 states that a local authority in England shall only allocate housing accommodation to a person who is eligible to join the scheme. The following persons are not eligible to join the register:
- A person from abroad who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless he is of a class prescribed by regulations made by the Secretary of State. Please note this requirement does not apply to tenants of the council or partner registered providers who hold an existing secure, introductory, assured or assured shorthold tenancy
  - Any other person as prescribed by the Secretary of State
35. A person will be classed as not a qualifying person for housing accommodation if –
- s/he or a member of the household is considered to be guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant and
  - at the time of the application for housing, they are still unsuitable to be a tenant by reason of that behaviour and, for these reasons, a decision is made that they deemed to be ineligible.

‘Unacceptable behaviour’ is defined as behaviour which would, if an applicant or member of their household were a secure tenant, entitle a landlord to possession under any of Grounds 1 to 7, Schedule 2 of the Housing Act 1985. Unacceptable behaviour can include:

1. Owing serious rent arrears
2. Failing to comply with a current or past tenancy agreement with a council, registered provider or private landlord

3. Conviction for illegal or immoral purposes
4. Causing nuisance and annoyance to neighbours or visitors
5. Committing certain criminal offences in or near the home and still posing a threat to neighbours or the community
6. Being violent towards a partner or members of the family
7. Allowing the condition of the property to deteriorate
8. Allowing any furniture provided by the landlord to deteriorate due to ill treatment
9. Obtaining a tenancy by deception, for example, by giving false information
10. Paying money to illegally obtain a tenancy
11. Having lost accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there
12. Abandoning a previous tenancy

36. In determining whether an applicant is not to be a qualifying person due to their behaviour, the council will apply the following test:
- Has the applicant or member of the applicant's household been guilty of unacceptable behaviour?
  - Was the unacceptable behaviour serious enough to have entitled Oldham Council to have obtained a possession order which would not have been suspended by the court? (This test is regardless of whether the applicant is an existing tenant of the council)
  - At the time of the application, is the applicant still unsuitable to be a tenant by reason of that behaviour or the behaviour of a member of his / her household?
37. An applicant's eligibility to join the housing register will be kept under review during the application process. For example, if new information about an applicant's behaviour comes to light after an initial assessment, they may be removed from the housing register if the behaviour is considered serious enough.
38. Applicants classified as not qualifying through unacceptable behaviour can make an application for accommodation in the future if they consider that they should no longer be treated as ineligible. It is up to the council to determine whether the applicant should still not qualify under the scheme.
39. Where an applicant or member of the applicant's household is considered to be guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant, and at the time of application they are still considered unsuitable to be a tenant by reason of that behaviour, the council may, if it believes that the applicant or member of their household is prepared to take action to address that behaviour, agree to regard them as a qualifying person but award no preference at all until they have fully resolved through their actions the issue to the satisfaction of the council. At that point they may be awarded any priority owed to them. If they are awarded priority, the effective date within their assessed band will be the date when priority was awarded.

40. If at any time the council obtains information that leads it to believe that an applicant already on the housing register should be regarded as not qualifying on the grounds of behaviour or being a person from abroad who is made ineligible by regulation, it will inform the applicant in writing and give the reasons for the decision. Under section 167(4A) of the Housing Act 1996, an applicant has a right to request a review of any such decision in accordance with the regulations made by the Secretary of State for the conduct of such reviews.
41. The Allocations Review Panel will determine the review within 15 working days of the request or such longer period as may be agreed with the applicant. The council will notify the applicant of the outcome of the review including the reasons if the original decision is confirmed. The council's decision is final and any challenge to that decision can only be made through court proceedings.
42. An applicant who is deemed to be ineligible to join the housing register or as not being a qualifying person shall be notified of the decision and the grounds for it.

#### **Making an application**

43. Every applicant who requests it, will receive an application form with guidance notes on completing it. This can be obtained from FCHO's offices at 1 Media Square, Phoenix Street, Oldham OL1 1AN or by phoning 0161 770 6699. It is also available from the partner registered provider online at [www.fcho.gov.uk](http://www.fcho.gov.uk).
- Applicants are encouraged to complete the form themselves. Staff will offer help to all applicants to complete the application form.
44. The Council and FCHO aim to give appropriate information and advice to everyone regardless of circumstances, needs or history. Every housing applicant has the right to request:
1. Such general information as will enable him or her to assess how his or her application is likely to be treated under the allocations scheme, and whether housing accommodation appropriate to his or her needs is likely to be made available to him and, if so, how long it is likely to be before such accommodation becomes available
  2. That the authority inform him /her of any decision about the facts of his / her case which are likely to be, or have been, taken into account in considering whether to allocate housing accommodation to him / her

The form must be returned to FCHO or a participating registered provider. It will be used to assess the applicant's housing need. Those needs will be reflected through the application of a priority banding system.

45. The council is required by the Housing Act 1996 to provide information through:

- Ensuring that a free summary of the housing allocations scheme is available to any member of the public who asks for one. This is available at FCHO's main office at 1 Media Square, Phoenix Street, Oldham OL1 1AN, plus the offices of registered providers. It is also available to download on the council's / FCHO's website - [www.oldham.gov.uk](http://www.oldham.gov.uk) / [www.fcho.co.uk](http://www.fcho.co.uk)
- A full copy of the scheme can be sent to any member of the public who asks for one. A reasonable charge may be levied for this
- Allowing applicants to view information held about them and receive a copy of information held on computer or paper file. A reasonable charge may be levied for this

46. Oldham Council is committed to providing applicants with information in a format that they can understand. Applicants who have any difficulty reading or understanding this allocations scheme will be offered the following services:

- An interpretation service if requested for those whose first language is not English
- Signing if speech or hearing is impaired
- Provision of documents in large print if an applicant is visually impaired
- If requested, an interview with a housing officer to explain the content of this document and where they can obtain independent advice on how they have been dealt with under the council's scheme
- Advice on what registered providers are and what accommodation they have in the Oldham area
- Advice and help on renting in the private sector, given the shortage of homes available in the areas where they may wish to live

### **Registration**

47. FCHO will aim to process applications and to decide on eligibility to be rehoused as quickly as possible. In order to assist this process, every applicant should:

1. Complete an approved application form
2. Answer each question accurately and fully
3. Provide evidence of his /her identity and all others to be rehoused in the same household, and proof / confirmation of circumstances, including habitual residence and immigration status or nationality

All applicants and members of their households will be checked at the time of application in order to confirm:

- Identity. The following provide acceptable proof of identity: passport, identity card (issued to certain foreign nationals), photo driving licence, birth certificate or written confirmation from a professional person or support agency

- Current address
- Current / previous landlord references (where the applicant has previously held either a private or a social housing tenancy)
- Evidence of anti-social behaviour and outstanding housing debts
- Police checks where applicants have indicated an 'unspent' conviction

48. Once an application for accommodation has been submitted to FCHO, it will:

- Confirm receipt of the application within 20 working days
- Allocate a banding to the application within 15 working days following registration or, if a homeless applicant, once a decision has been reached on a person's homelessness application. N.B. where there is a need to visit an applicant or make further enquires to confirm an applicant's circumstances, any band will be awarded will be provisional pending that visit or confirmation of circumstances
- If there is a need to visit an applicant, or an interview needs to be arranged to clarify details contained on the form, arrangements will be made within 10 working days of receipt of the application
- Confirm any final banding in writing within 10 working days of any such interview, visit or the completion of further enquiries

The service standards for housing applicants are set out in Appendix G.

### **Renewal of applications**

49. Every 12 months after registration, FCHO will write to each applicant asking if:

1. The applicant wishes to remain on the Housing Register
2. There has been any change of circumstance
3. The applicant still wants the same type of housing
4. The applicant needs additional help and support

Applicants will be given 28 days to reply.

If there is no reply within 28 days, the case will be reviewed and the application may be removed from the Housing Register. The review will consider if further attempts should be made to contact the applicant or whether other action should be taken. This may include providing additional help or support to the applicant, updating information on the Housing Register or changing the priority banding.

### **Change of circumstances**

50. Applicants must notify the council (or its agent) in writing when there is a relevant change in their circumstances and any necessary amendments will be made to their application. Relevant changes include, but are not limited to:

- Changes of address for themselves or any person on their

application

- Any additions to the family
- Any other person(s) they would wish to joint the application N.B. it is for the council to decide whether they will allow a person(s) to join the application
- Any member of the family or any other person on the application who has left the accommodation
- Improved or worsening housing conditions
- Any change in income or savings

Appropriate action will be taken based on how an applicant's circumstances have changed. This may include changing an applicant's priority banding or eligibility for a particular type of housing, such as sheltered housing. Applicants will be removed from the Housing Register if they are no longer eligible for housing.

51. Applicants who have had a change of circumstances and have not informed FCHO may have their application suspended whilst an investigation takes place. If following investigation an applicant is found to have made a false or deliberately misleading statement in connection with their application, it is possible, depending on the circumstances, that they will be deemed ineligible to an application or their priority within this allocation scheme may be reduced.

### **Cancellation of applications**

52. Applications may be cancelled for one or more of the following reasons:

- An applicant requests cancellation
- An applicant's circumstances change and they are no longer eligible
- An applicant fails to return a review form
- An applicant is found following investigation to have made a false or deliberately misleading statement in connection with their application. In such cases the applicant may be suspended for at least 12 months depending on the seriousness of the false or misleading statement
- An applicant has been housed in a secure or assured tenancy by Oldham Council (FCHO), another local authority or a housing association in or outside the Oldham area

### **False or withheld information**

53. Under section 171 of the Housing Act 1996, it is a criminal offence when an applicant knowingly or recklessly makes a statement which is false in a material particular, or knowingly withholds information which the authority have reasonably requested him to give in connection with the allocation of housing. Such a statement may be:

- on the application form
- in response to correspondence
- at the renewal of the application

- in relation to any review of the application

An offence is also committed if the applicant allows a third party to provide false information on his or her behalf or at his or her instigation.

54. If an applicant directly, or through a person acting on his or her behalf, has given false information or withheld information, it could:
- result in an applicant being deemed ineligible for unacceptable behaviour described elsewhere in this policy
  - if appropriate, be taken into account in prioritising applicants who have reasonable preference or
  - if appropriate, result in the applicant not being given preference at all for a period of time
  - if appropriate, lead to the council taking legal advice with a view to prosecution
55. Where there is suspicion or an allegation has been made that a person has either provided false information or has withheld information, the application will be suspended pending the outcome of the investigation.
56. If the outcome of any investigation reveals that they did not provide false information, or the withholding of information was found to be inadvertent, then the application will be reinstated from the date of registration. However, where the investigation shows that false information was provided on the application form or was deliberately withheld, then the application may be deemed ineligible for unacceptable behaviour described elsewhere in this policy.
57. Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by section 146 of the 1996 Act) enables the landlord to seek possession of a property where it has been granted as the result of a false statement by either the tenant or a person acting at the tenant's instigation.

### **Deliberately altering circumstances**

58. Applicants must not deliberately alter their circumstances to gain greater priority under the scheme. Where the council believes this to be the case, an applicant may be given reduced preference under the allocations scheme, or may be deemed ineligible for unacceptable behaviour described elsewhere in this policy.

### **Confidentiality**

59. The fact that a person is an applicant on the housing register will not be disclosed (without their consent) to another member of the public, save where such disclosure is necessary according to law.

### **Data Protection**

60. All information held is subject to the Data Protection Act 1998. The council will seek the express consent of applicants joining their housing register to share personal information about the applicant and any

member of the household.

### **Information sharing without consent**

61. In exceptional circumstances and irrespective of whether their consent has been obtained, information may be shared about the individual and their history. This may include:

- In accordance with the provisions of the Crime and Disorder Act 1998 (section 115)
- For the purposes of the prevention or detection of crime and fraud
- Where there is a serious threat to the applicant or a third party including staff or contractors
- Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of their household or a member of staff

### **Applications from board members, staff members and councillors**

62. In order to ensure that the council is seen to treat all applicants fairly, the application form will ask the applicant to identify any applicant or member of the applicant's family who is an:

- Elected member of Oldham Council
- Employee of the council, FCHO or any housing association operating in Oldham
- Board member of FCHO or any housing association operating in Oldham

(1) A person is a member of another's family... if—

(a) he is the spouse [or civil partner] of that person, or he and that person live together as husband and wife [or as if they were civil partners], or

(b) he is that person's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.

(2) For the purpose of subsection (1)(b)—

(a) a relationship by marriage [or civil partnership] shall be treated as a relationship by blood,

(b) a relationship of the half-blood shall be treated as a relationship of the whole blood,

(c) the stepchild of a person shall be treated as his child, and

(d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.

These applications will be assessed in the normal way, but registration, eligibility, the assessment of housing need will require the approval of

two senior officers employed by the agent who is managing the service.

Any allocation of accommodation will require the joint approval from a senior officer of the agent and the Assistant Executive Director – Housing and Public Protection.

### **AWARDING PRIORITY**

63. In order to assess an applicant's place on the housing register, the council uses a needs-based banding system, summarised in appendix A of this policy. The bands are awarded to reflect housing need, whereby the needs included in the highest band reflect the greatest need for housing.
64. The council believes that it is important to ensure that its allocations scheme is simple and transparent to members of the public. Accordingly, with some exceptions that are set out in paragraphs 117-120, waiting time will be used as the criteria to prioritise applicants that fall into each band. This principle applies to all bands and applies to all applicants, i.e.:
- Applicants awarded additional preference on top of reasonable preference
  - Applicants owed reasonable preference
  - Applicants assessed as not owed reasonable preference
65. Eligible applicants will be able to bid for housing on a low band basis as soon as their application has been registered.

A priority band may be awarded after the applicant's housing need has been assessed. Once all necessary information has been provided, applicants should be advised of their priority band within 15 working days. The priority band reflects individual circumstances and housing need and gives priority in terms of rehousing. The banding may be provisional if further investigation or information is required.

### **Assessing housing need**

66. The assessment of housing need will be carried out by officers from FCHO. Where the case involves a medical or disability assessment, the applicant will be asked to complete a self-assessment questionnaire. In assessing priority under reasonable preference, further advice may be taken from Community Occupational Therapy or the Community Physician.

### **Priority on the housing register**

67. An applicant will on request be shown and be given a copy of his / her entry on the housing register. FCHO, acting on behalf of the council will also, on request from the applicant, provide such information that is practicable and reasonable to supply to explain his / her position and priority on the housing register in relation to when an offer of suitable accommodation might be made. An applicant has the right to be informed of any decision about the facts of their case which is likely to be taken

into account when considering whether to allocate housing to them.

68. Separately, the council provides a regular update on how long applicants are likely to have to wait for an offer / nomination taking account of their areas of choice and the type and size of property required. This information is available on request from FCHO's Housing Options team or from the website. However, this information is only a snapshot and cannot take into account changes to the housing register and the number and type of future vacancies. Applicants are encouraged to bid for properties over a wide area of choice and to consider properties in the private rented sector if they require a specific area where demand is high, or if they have not been assessed as coming under one of the higher bands.

### **Reasonable preference**

69. The council will use a banding system to measure housing need and allocate accommodation. In assessing housing need, the council will give reasonable preference to those applicants who fall into one or more of the following categories (in line with the Homelessness Act 2002):

- Reasonable Preference (A) - Homeless people under part VII of the Housing Act 1996
- Reasonable Preference (B) – Homeless people in priority need but intentionally homeless; homeless people who are eligible, in priority need and not intentionally homeless; people who are threatened with homelessness unintentionally; people who were unintentionally homeless and not in priority need but who occupy housing offered under the discretionary power within section 192(3) of the Housing Act 1996
- Reasonable Preference (C) - Applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- Reasonable Preference (D) - Applicants who need to move on medical or welfare grounds, including grounds relating to a disability
- Reasonable Preference (E) - Those who need to move to a particular locality in the district where failure to meet that need would cause hardship to themselves or others

70. The council's allocations scheme has been devised to ensure that it meets its legal obligations in respect of reasonable preference. The council will therefore allocate the housing available within a framework that reflects this duty and that ensures that offers of accommodation are made to those with the greatest need. The details of who qualifies for reasonable preference under the Oldham scheme are set out in appendix A.

### **Additional preference**

71. Under section 167 (2) of the Housing Act 1996, the council may give additional preference to applicants in urgent housing need owed a reasonable preference.

## **Medical priority**

72. Applicants who have a medical need will be asked to complete a medical form, which will either be assessed by the FCHO officer dealing with the application or where the condition is serious, may be passed to a housing occupational therapist.
73. Applicants will only be offered reasonable preference if their medical condition or that of a member of their household is significantly affected by remaining in the accommodation that they occupy and there is as a result a need to move elsewhere. This will normally relate to the physical conditions of the property but can occasionally be caused by the location of the property itself. The council will always assess whether the applicant's needs, or those of a member of their household, would be better served by providing aids and adaptations to their current accommodation, thereby allowing them to remain.
74. The criteria to be considered relate to the extent that the health of the applicant, or an immediate member of the applicant's family, will significantly improve by a move to alternative accommodation. The assessment is not based on the seriousness of the applicant's condition, but is solely based on the impact of their current housing (or in exceptional circumstances the location of their accommodation) on that condition and whether this would improve significantly through a move to alternative housing.

Following assessment, the council will decide whether to award priority or not, based on an assessment of the information provided in the medical form and where appropriate, any additional information requested.

## **Policy on reduced preference**

75. In forming this policy, due regard has been given to the requirements to give reasonable preference to those categories specified under the Housing Act 1996 as amended by the Homelessness Act 2002. These are listed in paragraphs 69-70.
76. Those applicants that are eligible for consideration under the policy will be assessed to determine if they are owed a reasonable preference. If they are, they will be allocated a band according to the council's allocation priority. Beyond giving additional preference to emergency housing needs, Oldham Council is also allowed to give reduced preference (downgrading) for applicants who fall into one or more of the reasonable preference categories but where certain factors apply to their case.
77. Therefore where an applicant who would have been awarded a specific band due to their reasonable preference but one or more of the factors listed below apply to their case, their application will be given a reduced / downgraded priority (allocated a lower band). Where appropriate, the downgraded priority may apply until the issue relevant to their circumstances has been resolved. This action is allowed under section

167(2A) of the Housing Act 1996 as amended by the Homelessness Act 2002.

### **Circumstances where reduced preference will apply**

78. Oldham Council may, depending on circumstances, reduce the applicant's priority if they have been assessed as being offered reasonable preference. This circumstances in which this may apply to applicants include the following:
- At the point where their housing needs are assessed
  - Where applicants have been assessed but their circumstances change
  - Where new information is obtained
  - Where they take (or fail to take) a certain action, e.g. by refusing three offers of accommodation that are suitable for their needs or (for Emergency and High band applicants) by failing to bid at all when suitable properties have been available
  - For homeless priority applicants, refusing the one offer of suitable accommodation to which they are entitled
79. The council will inform the applicant of the reasons for the reduced preference award and the actions they must take to address this issue to the satisfaction of the council.

When they believe that they have taken the appropriate action required, the applicant may request the council to lift the reduced preference, i.e. reinstate their reasonable preference and consider the applicant for the priority band relevant to their housing need.

The council will review the case at the request of the applicant. Once satisfied that the applicant has taken appropriate action to address for example rent arrears or behaviour, or where an applicant may on the basis of their changed circumstances now qualify for a local connection, the council may lift the reduced preference and consider the applicant for the priority band relevant to their housing need.

Reduced preference may be given in the following circumstances:

#### **The applicant has debts relating to a current / former tenancy**

80. When assessing applications, the council will take into consideration all housing-related debts, including:
- current or former rent arrears in either a social or private rented home (including temporary accommodation arrears)
  - damage to a former social or private rented housing property
  - legal costs arising from court action in connection with a current or former tenancy
  - Housing Benefit overpayment
81. Where there are housing-related debts, the following procedure will apply:

- Where the total housing-related debt is £1,000 or more, the council will consider whether it is appropriate to deem the applicant to be ineligible. Applicants deemed to be ineligible can reapply when the total debt has been reduced below this level or can ask for their case to be reconsidered after such a decision
- Where the total housing-related debt is under £1,000, the application will normally be registered and placed in the low band until the applicant has made payments towards the debt at an agreed level for at least 12 consecutive weeks. When the applicant has made payments for at least 12 consecutive weeks, they should contact FCHO and request that their priority is reviewed
- Applicants must have made payments for the agreed amount for at least 12 consecutive weeks immediately prior to offer before their bids can be considered
- Applicants with housing-related debts will only be eligible to bid for hard to let properties
- Applicants with housing-related debts who bid for properties will not be successful if there are other applicants without housing-related debts

82. An applicant's banding will be reviewed if new information comes to light regarding housing related debts.

- The council will consider whether the applicant still owes arrears and if they do, the extent of the arrears
- Whether there are exceptional circumstances such as medical needs which should lead to their being offered accommodation despite the reduced preference for reasons connected to those arrears. For example, failure of a support worker to claim housing benefit on behalf of an applicant who was unable to make the claim themselves
- Whether the applicant has taken debt advice, acted on it and entered into and begun to implement any arrangement to clear the arrears. Depending on the circumstances of the case, the council may require the debt to be paid in full or to have made a repayment agreement with the creditor landlord and adhered to it for at least 12 consecutive weeks
- When an arrangement has been made, the final decision to reinstate an applicant's full preference will depend on the amount of arrears paid off, any debt outstanding and the regularity of any payments made

#### **Non-compliance with any current or former tenancy agreement**

83. This applies where the council is satisfied, on the basis of reasonable evidence, that an applicant (or a member of their current or prospective household) has:

- Abandoned a previous tenancy
- Failed to maintain any current or previous social or private sector

- rented property within the terms of their tenancy agreement
- Has committed acts causing or likely to cause nuisance or annoyance to their neighbours or others in the locality where they live or where they have previously lived

This paragraph does not prevent the council from deeming an applicant to be ineligible for reasons connected to conduct.

84. In such cases of non-compliance with a tenancy agreement, their application will be downgraded to low band. This downgrade will apply until the applicant (or a member of their prospective household) has demonstrated to the satisfaction of the council the necessary ability to modify their conduct. In some cases, this will involve co-operating with support agencies. In most cases, the downgraded status will be reconsidered where there has been no cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of one year.

#### **No local connection**

85. In order to ensure that the council meets the needs of the local community, applicants who lack a local connection will be placed in the low band, irrespective of needs. Local connection with Oldham Council will be assessed under the definition contained in section 199 of the Housing Act 1996.

However, applicants without a local connection will be awarded medium priority if they:

- work in Oldham
- are in a work-related training placement in Oldham
- are volunteering or supporting a vulnerable family member in Oldham

Applicants without a local connection will have their priority reduced to the low band until they acquire a local connection with the borough. FCHO can give applicants advice on acquiring a local connection if required.

The Secretary of State has made additional provision for members of the armed forces and their families to ensure that they are not disadvantaged in their access to social housing by the requirements of their service.

The following members of the armed forces will therefore be considered to have a local connection:

- a) those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
- b) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of

Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service

- c) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

The council will register ex-offenders with no local connection anywhere due to the length of their sentence.

86. Applicants who do not have a local connection with Oldham but have been determined as being owed the full homelessness duty by the council under section 193 (2) will not be subject to any reduction in their priority, as the council is under a statutory duty to provide long term settled housing regardless of local connection.

Anyone being discharged from the armed forces will be considered to have a local connection.

The council will register ex-offenders with no local connection anywhere due to the length of their sentence.

87. For the purposes of determining local connection, living in Oldham means living in permanent accommodation and will not include:

- Occupation of a mobile home, caravan or motor caravan which is not placed on a residential site
- Occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday

**Owner occupiers, applicants with savings or those with an income / assets above a threshold set by the council**

88. An applicant's financial circumstances will be taken into account in assessing the priority they may receive through this allocations scheme, even if they qualify for consideration under one or more reasonable preference categories.

The following relates to applicants for sheltered / older persons housing only:

- Irrespective of current tenure and assets / household income, applicants who are applying for sheltered / older persons housing will be registered and placed in the appropriate band according to housing need

The following relates to applicants for general needs housing:

- Owner occupiers who are applying for general needs housing and who don't fall into a statutory category of reasonable preference will be registered but will be placed in the low band. They will only be eligible to bid for properties that are classified as 'hard to let'.

This is because they are judged to be able to resolve their own housing issues

- Irrespective of current tenure, applicants who are applying for general needs housing, but whose assets or income are above the threshold below and who don't fall into a statutory category of reasonable preference will be placed in the low band. They will only be eligible to bid for properties that are classified as 'hard to let'. This is because they are judged to be able to resolve their own housing issues

The council considers financial resources equivalent to the lower quartile house price for Oldham to be sufficient to buy a home or pay market rent in Oldham. The council will take into account any previous disposals of assets or capital when calculating the financial resources available. This will include disposals for nil (for example, transfer of ownership) or below market value. The council also considers that applicants whose household income exceeds the HCA limits for Homebuy / shared ownership have sufficient financial resources to buy a home or pay market rent in Oldham.

Disabled applicants who are owner occupiers / have assets, capital or income above the threshold may have their cases considered by the Allocations Review Panel.

89. Applicants with financial resources above the threshold and owner occupiers will be provided with information about their chances of getting rehoused and will also be advised to consider other options i.e. private rented. They may be referred to an approved landlord scheme if available.

These restrictions do not prevent such applicants from being considered for any low cost home ownership / shared equity schemes. The rules for acceptance under these schemes are different and are applied on a scheme by scheme basis. Information and advice can be obtained from registered providers / Plumlife / staff on the One Point housing options team.

90. The income and asset figures in the above paragraphs will be reviewed in line with changes in lower quartile house prices in Oldham / HCA income limits for low cost Homebuy / shared ownership.

### **Downgrading, deeming ineligible, removal from the register and refusal**

91. Instances where applicants may be downgraded, deemed ineligible, removed from the register or refused registration include:
- an applicant will not be registered if she or he is not eligible
  - an applicant will be removed from the housing register if she or he is no longer eligible
  - an applicant may be either downgraded or deemed ineligible on the grounds of serious unacceptable behaviour
  - an applicant with no local connection will be downgraded (see

paragraph 124A for exceptions to this)

- people with sufficient financial resources available to them to meet their housing needs will be downgraded
- a homeless or other priority applicant who has refused a direct allocation of accommodation will be downgraded
- an applicant who has refused three reasonable offers will be downgraded
- an applicant in either Emergency or High band who has not bid at all within a six month period will be downgraded

Unacceptable behaviour is behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the authority to a possession order under section 84 of the Housing Act 1985 on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8); or behaviour of a member of his household which would (if he were a person residing with a secure tenant of the authority) entitle the authority to such a possession order.

Each case depends on its own facts but by way of example, a relevant possession order made within the previous 36 months might lead to an applicant being deemed to be ineligible, depending on the other aspects and circumstances of the application.

### **The council's policy where properties have been refused**

92. Where an applicant has successfully bid but refused 3 suitable offers of accommodation, depending on the circumstances, their priority for rehousing may be downgraded to standard band. Downgraded applicants will remain in this lower band for a 12 month period. After this, if their current housing circumstances at the time warrant it, they will be returned to their original band.

The exception to this policy is where a homeless applicant owed a full homelessness duty under section 193(2) or 195(2) refuses any property bid for, or where a direct offer has been made to a homeless applicant owed such a duty and it is refused (see paragraphs 127-130). However, outside of this allocations scheme, refusal of such an offer may lead to discharge of homeless duty, which may in turn lead to a change of an applicant's status within the scheme.

### **Notification of decisions**

93. Any applicant whose application is given reduced priority / suspended / removed from the register / not registered will be provided with written notification of the decision. This will contain the following information:
1. the reason(s) for the decision to remove reasonable preference / suspend / remove from the register / not register the application
  2. the band their housing circumstances would have warranted and the band that they have been placed in as a result of the council's decision
  3. the applicant's right to request a review of the decision
  4. what they have to do before they can be considered again for any

higher band warranted by their housing needs

### **Reviewing a decision to downgrade / suspend / not register an application**

94. An applicant may request a review of their case, including at the end of an initial period of downgrading, or when he / she becomes eligible. The request for a review can be made verbally or in writing and must set out how / why the applicant believes that the removal of the reduced priority / suspension is now justified by the actions the applicant has taken / time that has elapsed, etc. since the original decision on reduced priority / suspension was awarded.

FCHO acting on behalf of the council will consider any request for the removal of the reduced priority classification / suspension within three weeks of receipt of the request. A letter will be sent to the applicant giving the council's reasons for either granting or not granting the request.

### **95. Review procedure**

A review may be requested by the applicant or a person acting on their behalf. Applicants who wish to seek a review should contact the Housing Options Centre. A request can be verbal or in writing, stating the reasons why a review is requested and should state the reason(s) for the request.

All reviews will be dealt with within three weeks and the applicant advised of the outcome in writing. The review will be undertaken by a more senior officer than the officer who made the original decision who was not involved in the decision.

An applicant who remains dissatisfied with the decision made on review may request a second review. A second review will be undertaken by the Allocations Review Panel. The panel will be made up of one senior officer from each of the council, FCHO and a registered provider.

### **Review of decisions**

96. An applicant's right to request a review includes any of the following decisions:
- A decision that the applicant is ineligible to an allocation or is to be treated as ineligible
  - That he or she is not to be awarded any preference on the grounds of unacceptable behaviour
  - Concerning the facts of his case that are likely to be or have been taken into account in considering whether to allocate accommodation
  - That he is not eligible or that he is deemed to be ineligible to an allocation
  - The type of property for which an applicant will be considered
  - The extent of the applicant's household to be considered for housing him

- The applicant's medical condition or other welfare needs
- Other facts used to determine whether the applicant is entitled to a reasonable preference
- Whether the applicant should receive additional preference on the grounds of urgent housing needs
- Determining the applicant's priority including his or her financial resources, behaviour (or that of his family) and local connection
- The applicant has refused a direct allocation of accommodation and as a result their priority has been downgraded
- The applicant has refused three reasonable offers within a six month period and as a result their priority has been downgraded
- An applicant in either emergency or high band has not bid at all within a six month period and as a result their priority has been downgraded

97. Reviews will be carried out by a senior officer at FCHO who was not involved in the original decision. Every applicant dissatisfied with a review decision may ask for a second review.

This may be requested by the applicant or a person acting on behalf of the person seeking the review. A request can be verbal or in writing. When a second review is requested later than 10 working days after the first review, the officer will consider whether there are good reasons for the request being late before deciding whether to undertake a second review of a decision.

Applicants who wish to seek a second review must send a written request to; Head of Housing Needs, Housing Strategy Team, Level 3, Oldham Civic Centre, Rochdale Road, Oldham OL1 1UH.

Receipt of a request for a second review will be acknowledged within 5 working days. The decision will be reviewed by the Allocations Review Panel. The panel will not involve any officer who was involved in making either the original decision or the first review decision. The applicant will be informed of the decision on the second review and the grounds for it within 15 working days.

## **ALLOCATIONS**

### **What is an allocation under this scheme?**

98. An allocation under this scheme is defined as:

Where the council selects a person to be a secure or introductory tenant of its own stock or nominates a person to be an assured or introductory tenant of another authority's or landlord's stock. This includes (where a registered provider chooses to operate such a scheme) the nomination to be a 'starter tenant' of a registered provider, whereby the registered provider will provide an assured shorthold tenancy for a set period. Following this period, if the tenant has proved themselves to be a suitable tenant, the housing association will normally grant an assured tenancy.

99. Existing tenants of any housing association in the Oldham area who wish to transfer to another housing association (or council) property are able to register under the scheme. It should be noted that if they are seeking a transfer to another property owned by their own landlord, that landlord may have its own transfer scheme and rules.

Applicants who are existing social tenants will also be referred to the direct exchange register.

### **Allocations not covered by this scheme**

100. Oldham Council as a landlord will not apply the provisions of the Part VI of the Housing Act 1996 (relating to the operation of an Allocations Policy) to existing secure tenants or introductory tenants, unless an allocation of housing accommodation involves a transfer for that person and is made on his / her application. Where such tenants are moved the behest of the landlord (for example, to facilitate redevelopment), the Council will instead offer them suitable alternative accommodation in accordance with the provisions of Section 84 (2) (b) and Schedule 2, Part IV of the Housing Act 1985.

101. The following are either circumstances in which an allocation does not occur or are examples of allocations that do not come under the requirements of the legislation (and therefore this policy) and where a direct offer will continue to be made by the council or partner registered provider as and when required:

- All transfers initiated by the council, for example due to a tenant being displaced from their accommodation
- All transfers where a tenant who is under-occupying accommodation and the council wants the occupant to move in order to free up their accommodation for an overcrowded household
- Assignment by way of direct exchange or assignment to a person who would be qualified to succeed to the tenancy on the tenant's death. The council will use its direct exchange register to promote direct exchanges within Oldham and elsewhere in the UK. Within Oldham, secure tenants can exchange to another property within the same housing provider or to another social housing provider, provided that they meet the respective landlords' direct exchange criteria
- Transfer of a tenancy by a court under family law provisions
- The conversion of an introductory tenancy (council stock) or starter tenancy (registered provider stock) into a secure tenancy
- Accommodation which is to be used as temporary accommodation to house homeless households owed a duty under the homelessness legislation
- Nominations made not under Part 6 of the Housing Act 1996 for offers of assured tenancies, assured shorthold tenancies or other tenancies or licences from private landlords or housing charities who are not registered providers

102. Allocation is permitted outside of the other provisions of this scheme in

the following circumstances:

- When a tenant dies leaving in occupation one or more members of the household but no person has, or wishes to exercise, a right to succeed
- When a tenant ends a tenancy leaving one or more members of the household in occupation

For the avoidance of doubt it is stated that the permission within this scheme of such allocations does not give any person the right to such an allocation. In all such cases whether to make such an allocation remains within the council's discretion, which will be exercised by the Allocations Review Panel.

Factors to be taken into account include:

- The length of time that the potential tenant(s) have lived at the address
- The reason that the potential tenant(s) moved in
- Any care and support provided by the potential tenant(s) to the former tenant or other members of the household
- The effect on the potential tenant(s) and others of a move from the home
- The extent to which the premises are or are likely to be under-occupied
- Any special features of the premises, such as disabled facilities
- The general circumstances and needs of the potential tenant(s)
- The extent of housing demand in general and the availability of suitable housing stock to meet such demand

### **Management discretion – exceptions policy**

103. As far as possible, the council will use the banding system and waiting time within band to allocate accommodation. However, the council recognises that there may be exceptional circumstances where the only way an exceptionally urgent housing need can be resolved is through the use of management discretion.

104. The landlord or senior officer on behalf of the landlord (head of housing at FCHO) can exercise discretion in exceptional circumstances. Cases where management discretion has been exercised will be recorded.

Cases where management discretion may be exercised include:

- An applicant has an exceptional need that is not covered by the allocation scheme, for example where child or public protection issues require urgent rehousing

### **Dealing with successions and assignments**

105. Neither an assignment nor a succession involves an allocation and therefore neither is covered by this allocations scheme.

Paragraph 102 above deals with cases in which a tenant has died leaving a member of the household residing in the premises without a right to succeed, or where a tenancy has ended and a member of the household is still residing in the premises. In neither case is there a right to succeed or assign but this allocations scheme permits discretionary allocation to the remaining household member/s.

### **Making bids and allocating properties**

106. The council lets the great majority of its homes through a choice based lettings scheme (see paragraphs 117-120 for exceptions). Extra care homes will normally be allocated via the Extra Care Panel (i.e. outside Choice Based Lettings) to people on the extra care waiting list.

When applicants see a home that they would like to live in, they should express an interest in that property by completing a bid form or submitting a bid online or by other means in line with agreed procedures. Staff will be available to help if required.

Applicants will be restricted to a maximum of three bids per week and each property will only be available for one week. The successful applicant will be selected after that time.

107. For all advertised properties, bids will be checked against the criteria used in the advertisement. Any bids that do not meet the criteria will be discarded.
108. The allocation of a property will be based on the priority of bids received, with emergency band applicants having the highest priority and low band applicants having the lowest priority. Where a property may be advertised as available for letting to a specific band or group only, the letting will be made to the bidder with the earliest registration date in that group.

In high demand areas, ground floor properties will be allocated to those with an assessed need for this type of accommodation.

109. If bids are received from applicants in the same priority band, then the person who has been registered longest in that band will be offered the property. If two or more applicants were awarded priority on the same date, then the home will be awarded to the applicant with the earliest registration date. If two or more applicants have the same priority and registration date, the allocations will take all relevant factors into account in deciding which applicant should get the offer.
110. The applicant to be offered the property will be contacted and checks made to ensure that the housing circumstances remain as they were when the application was submitted. Provided circumstances are unchanged, an offer of the property will be made and a viewing arranged.

If the applicant refuses the property, then it will be offered to the applicant with the next highest priority.

111. Any property that has no shortlist or has been offered and refused 3 times will be classed as being difficult to let and other steps may be taken to ensure a successful allocation. The property may be offered to someone who has not placed a bid or be re-advertised on a 'first come, first served' basis. This means that it will be allocated to the first person who says that they would like to live in that home and who meets the lettings criteria. Lettings criteria may be relaxed or the property more widely advertised.
112. Where a property is adapted for use by a disabled person, the property will be offered to the applicant with the highest priority whose needs best match the facilities of the particular property. In some circumstances, this may mean not offering the property to the bidder with the highest priority. Where a particular property has been purpose-built or specially adapted, the council may make a direct offer or bid specifically on behalf of applicants whose needs can be best met by the property.

### **Pre-tenancy training**

113. Applicants who have not previously held a tenancy, or who have had a tenancy that failed for reasons which could be addressed through a pre-tenancy training course, may be required to attend pre-tenancy training as a pre-condition of acquiring a tenancy.

### **Method of selection when bids are received or where a direct nomination has been made**

114. Each vacancy will be matched against the applicant who has the highest band with the earliest registration date for that band and who has bid for that property. The following checks will take place before an offer is made:

- An assessment of the information held on file will be made to determine if the property is suitable and reasonable for the applicant and the applicant's household. Information relating to the applicant's needs will be considered.
- If the property is not suitable for the applicant with the highest priority, it will be matched against the shortlist of applicants who have bid for that property in descending priority order until a suitable allocation is found
- An offer of property will be made by telephone initially where possible and confirmed in writing. Applicants will have 3 days to respond. If no response is received at the end of this period, the property will be offered to the applicant with the next highest priority
- For homeless applicants owed a statutory duty, the offer will always be confirmed in writing stating that this is a final offer that will end the council's duty to the applicant under the homelessness legislation. Any offer will normally last for three working days

115. Where a property is refused, FCHO, on behalf of the council, will make a

decision on the suitability of the offer within 48 hours. If the property is deemed to be suitable by the council, it will count as one of the three offers an applicant is entitled to receive. If the applicant has been accepted as being owed a statutory homeless duty by the council, this duty, subject to a right of review, will have ceased if the property is refused. In such circumstances, an applicant will no longer be entitled to any homeless duty and will be asked to leave any temporary accommodation provided and make their own accommodation arrangements.

116. If an applicant has been assessed as needing support to sustain a tenancy and such support is not in place, has been declined or cannot be arranged before the proposed tenancy commencement date, the bid will be rejected until such support is in place.

### **When an allocation is made outside the ‘band by waiting time’ procedure**

117. Exceptional circumstances cases can, depending on the assessed seriousness of the case, be allocated a property outside this procedure (see paragraph 120).
118. In addition, vacant properties which are adapted, or which are suitable for adaptation, or which are otherwise potentially suitable for applicants with a substantial disability or other special reasons may be allocated outside any strict date order. This may be through a direct offer or by bypassing cases who have bid where the nature of the property or its current adaptations match the specific needs of an applicant on the scheme who requires such an adapted property. Specially adapted properties or those that are capable of adaptation will normally be labelled so that only applicants who meet specific criteria may successfully bid.
119. An allocation may be made outside of the provisions stated elsewhere in this allocations scheme where information suggests that to do otherwise would compromise the safety of the applicant or others. For example high risk offenders may not be allowed to live in certain areas. Persons previously guilty of harassment or domestic abuse should not be placed in the same area as victims of that harassment or abuse.

### **Where might a direct offer be made rather than allowing an applicant to bid for accommodation?**

120. Such cases include:
- Direct lets in circumstances where either there is an urgent and immediate need to move due to a risk to the applicant or where there would be a risk to the applicant by being required to take part in the bidding process
  - MAPPA or other high risk offenders
  - Applicants who are statutory homeless and owed a full housing duty under sections 190(2), 193 (2) or 195 (2) of the Housing Act

1996 as amended by the Homelessness Act 2002

- Homes that have been significantly adapted for a disabled person
- New build wheelchair accessible homes
- Homes that are suitable for adaptation for an identified customer with a disability and it has not been possible to identify an existing suitably adapted property
- Extra care housing

### **Refusal of an offer**

121. Where an applicant has refused three reasonable offers, the application may be downgraded to standard band for a period of 12 months. In these circumstances, the downgrade penalty will end 12 months after the last suitable offer was refused and they will re-enter the band appropriate to their current circumstances.

During the time of an applicant's downgraded status, if there are exceptional housing needs, the council will consider the change in circumstances, to see whether it is sufficient to allow the band appropriate to their reasonable preference to be restored earlier than the 12 months date.

### **Waiting time**

122. An applicant's position within their allocated band will be determined by the date they were registered for that band.

If an applicant is moved to a different band due to a change in circumstances, their priority date will be considered as effective from the date that they were moved into the new band when moving up in priority. If moving down a band, they will retain the original registration date.

### **Open door policy**

123. The majority of homes will be let to applicants owed reasonable preference. However, the council will aim to allocate some homes to the applicant with the earliest registration date, regardless of banding. This is to ensure that applicants in the standard band and low band have some opportunity to obtain a home within this allocations system. The council will aim to let 5% of properties in this way, but this will not always be possible due to the demand for housing.

4+ bedrooms houses are excluded from open door arrangements, due to the high demand and low availability of larger homes.

For general needs homes 15% will be let to applicants who are working / making a positive community contribution ('WorkingXtra'). Priority will be determined by using the WorkingXtra followed by date order

For older people's / sheltered housing, the council aims to let 20% of vacancies to open door applicants.

## **WorkingXtra**

124. Priority for certain properties (e.g. some newly built and existing homes, and those advertised as 'WorkingXtra open door') will be given to applicants who meet the WorkingXtra criteria. WorkingXtra is a measure of applicants' commitment and contribution to Oldham. To qualify for WorkingXtra status, at least one member of the applicant's household must be either:

- Working or
- Taking part in approved work-related training or
- Volunteering for an approved organisation or
- Acting as a registered carer

Details of the criteria used in deciding whether an applicant qualifies under WorkingXtra are set out in appendix D.

The 'WorkingXtra' criteria will be reviewed at least annually. Details may change in line with legislative / policy changes, results of allocations monitoring, etc.

## **New build housing**

125. For general needs new build schemes, lettings for 50% of homes will be purely on the basis of housing need. The remaining properties will be let on the basis of 'WorkingXtra' and need.

The Council reserves the right to increase the percentage of allocation on new build on the basis of WorkingXtra to 80% on certain schemes to enable us to achieve a wide variety of housing management and policy objectives.

## **Local lettings policies**

126. The council may, in agreement with FCHO and RPs, develop local lettings plans for specific areas, estates or blocks in order to develop and promote balanced and sustainable communities. Local lettings policies are developed under section 167(2E) of the Housing Act 1996. They allow for certain accommodation to be allocated for the exclusive use of certain applicants of a particular description whether or not they are owed a statutory reasonable preference.

For example, local lettings policies in Oldham may be developed to encourage more employed tenants to live in a certain area, etc. This is an example only.

The decision to implement a local lettings plan will be approved in the first instance by the RP whose stock it applies to and subsequently by Oldham Council. Any decision to implement a local lettings policy will always take into account the implications for equal opportunities and the need for the council's scheme overall to meet the allocation needs of those owed a reasonable preference. Local lettings schemes will be subject to review at least every 12 months, or as and when changes to

an estate, area or block necessitate such a review.

The Council reserves the right to apply any criteria to local lettings policies whilst meeting the statutory duty for Reasonable Preference.

### **Offers to homeless applicants**

127. For cases for whom the council has accepted a full homeless duty under sections 193 (2) or 195 (2), applicants can only exercise choice for a period of three weeks. After this time, regardless of whether suitable properties have become available, the council is entitled to make a direct offer which will fully end its Part 7 homelessness duty as long as the applicant has sufficient priority for rehousing under the scheme at that date to enable a direct offer to be made.
128. If enacted, the Council may exercise the powers granted by s.148 of the Localism Act 2011 to end the homelessness duty by making an offer of suitable accommodation in the private rented sector, without requiring the applicant's agreement. (s.148 has not been enacted yet)
129. If an applicant has been placed in temporary accommodation under a full homelessness duty, the council may make a direct offer of accommodation at any time and is not constrained by the three week period.
130. Where an applicant owed a full homelessness duty bids for accommodation and their bid is successful, the offer will be the applicant's final offer and will end the council's homelessness duty if it is a suitable offer and is refused. An applicant will continue to have a right of review under the homelessness legislation as to the suitability of the accommodation offered.
131. Whether or not a homeless applicant owed a full homeless duty accepts an offer of accommodation made under the scheme, they have the right to request a review of the suitability of the accommodation they have been offered. Homeless applicants are therefore strongly advised to accept the offer that has been made to them, even if they intend to request a review of its suitability.

### **Older people's housing**

132. Applicants for older people's housing must be aged at least 55 years or at least 60 years (depending on the property concerned) or have a need for supported accommodation due to vulnerability or disability. Older people's housing will be specifically marked when a property is advertised and clearly indicate the support service charges that are applicable.

Extra care housing will be allocated following an approved referral and assessment process and **will not** be advertised through Oldham Council's Housing Options Choice Based Lettings System.

### **Serious offenders**

133. It is sometimes necessary to provide housing which will minimise the risk to the community and where supervision of the individual can be maintained. This may also apply to individuals currently living in the community who are considered to pose a risk to themselves and/or others, although they have not been convicted of an offence.
134. The council will work with the police and probation services to assess and manage risk and will apply special arrangements where cases are referred through the Multi-Agency Public Protection Panel (MAPPA) or any protocol with probation services. Officers will attend case conferences with the police, probation, adult social care and health professionals. A planned and managed relocation pathway will be agreed. This should include a full discussion of a range of housing options which are most appropriate to a customer's circumstances and supervision needs.
135. This may result in restrictions being placed on the choice of property or area that is open to an applicant or may result in a direct offer of suitable accommodation being made to an applicant at the point where they have sufficient priority under the scheme to receive such an offer.

#### **Carers, perspective adopters and foster carers**

136. The council will take into account of the circumstances of applicants who want a spare bedroom because the applicant receives support from carers who do not reside with them but may want to stay overnight.

This Allocation scheme will support Children's Services who have a duty under s.22G of the Children Act 1989 to ensure sufficient accommodation to meet the needs of the looked after children in the borough. Therefore, applications from perspective foster carers or adopters who would require an extra bedroom to accommodate a foster or adopt a child will be accepted. However, such applications will need to be supported by Children Services.

Successful applicants in these instances will be allocated a home on a licence. Offering a licence in these instances as opposed to a tenancy will enable the landlord to ask them to move to alternative accommodation if at any stage the household decides to discontinue participating in the fostering service.

Where a household may be required to move to suitable accommodation the council may choose to give the household additional priority to facilitate the move or may make a direct offer.

#### **WHO QUALIFIES FOR REASONABLE PREFERENCE UNDER THE COUNCIL'S ALLOCATIONS POLICY?**

137. **Emergency band**

The following applicants will be placed in the Emergency band:

1. Applicants with a very serious medical need for immediate rehousing or awaiting discharge from hospital, residential care and with no suitable accommodation to move back to
2. Applicants whose current accommodation is inappropriate for their assessed needs and there is an imminent risk of exploitation or abuse, of significant loss of daily living skills or of placement breakdown. These circumstances are known as 'immediate reasonable preference on social or welfare grounds'. In most cases it is expected that a care or support package will be provided to this group of applicants when they are allocated a home
3. Where the current accommodation impacts negatively on a member of the household's nursing needs on health and safety grounds
4. Where there are very serious management reasons, for example,

Within the emergency band, priority between applicants will be in date order according to the date when priority was awarded. Where two or more applicants were awarded priority on the same date, priority will be determined by the date of their housing application.

Any person described within these categories of emergency housing need who has no local connection with the borough of Oldham will be placed in the low housing need band.

### 138. **High band**

The following applicants will be placed in the high band:

1. Applicants who are subject to a Compulsory Purchase Order or where there is a council decision to include their homes for compulsory purchase, and a voluntary sale has been agreed, or who are council tenants subject to demolition proposals (the effective date of this priority will be the date council approves the demolition proposals)
2. Applicants who are unintentionally homeless, or about to be homeless and in a category of priority need
3. Applicants who live in accommodation that is intended to provide short-term housing and support, and where the support provider confirms that the applicant has satisfactorily completed a programme of intensive housing-related support and is ready to move to independent living, often with a further support package
4. Applicants who have a high need to move home on social grounds
5. Applicants who are living within an overcrowded household in such circumstances that the household needs at least 2 more

bedrooms than it has and an allocation would mean that the overcrowded household will either cease to be overcrowded or overcrowding will be alleviated. This category will not be available to any applicants whose overcrowding is reasonably believed by the council to have been brought about intentionally to gain an advantage in terms of rehousing

6. Applicants who are tenants of a social landlord who are living in accommodation which is under-occupied by two bedrooms or more in circumstances where an allocation would mean that the applicant's new home will not be under-occupied and the formerly under-occupied premises are to be allocated, by the council or a registered social landlord, to a household that will not under-occupy it
7. Where a member of the household require extensively adapted accommodation and the present home that is not adaptable due to cost or structural issues identified by the community occupational therapy / adaptations team and needs to move to a property that either meets their needs or has the potential to meet their needs through adaptation. The adaptations must be agreed before the property is accepted
8. Where a member of the household is unable to access a bedroom, the bathroom and the toilet and as a result is sleeping downstairs and using a commode. Cases where the applicant does not want their existing home adapted and needs to move to a property that either meets their needs or has the potential to meet their needs through adaptation will be considered for high priority. The adaptations must be agreed before the property is accepted
9. Applicants living in a house that has been purpose-built / significantly adapted for a person with disabilities, where the adaptations are no longer required
10. Applicants living in an unfit or hazardous private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004
11. Applicants who are private sector tenants and the council's public health team has decided that their property poses a category 1 hazard under the health and safety fitness rating and the council is satisfied that the problem cannot be resolved by the landlord within six months and as a result of continuing to occupy the accommodation will pose a risk to the applicant's health

Within the high band, priority between applicants will be in date order according to the date when priority was awarded. Where two or more applicants were awarded priority on the same date, priority will be determined by the date of their housing application.

Any person described within these categories of high housing need who has no local connection with the borough of Oldham will be placed in the low housing need band.

139. **Medium band**

The following applicants will be placed in the medium band:

1. Applicants occupying insanitary housing or otherwise living in unsatisfactory housing conditions not covered in High band above
2. Where the home environment and medical condition is restricting the normal activities of daily living of a member of the household and rehousing will significantly resolve these issues
3. Social and welfare needs – this includes applicants whose current accommodation is inappropriate for their assessed needs and, within three months, there is a risk of significant loss of daily living skills or of placement breakdown. This category includes applicants who are living in long-stay supported accommodation and are ready to move into their own home, with or without a further support package. These circumstances are known as 'social or welfare grounds'. In most cases it is expected that a care or support package will be provided to this group of applicants when they are allocated a home
4. Applicants who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or to others. This category includes applicants who need to move to provide or receive care or support from others. The person receiving care or support would be expected to be eligible for Attendance Allowance or for services to be provided through Supporting People or Social Services
5. Applicants who are homeless but who have either not been mentioned in High band above, or where the council is working with the applicant to prevent homelessness
6. Overcrowded households where the household needs one more bedroom than it has, in accordance with the bedroom standard. This category will not be available to any applicants whose overcrowding is reasonably believed by the council to have been brought about intentionally to gain an advantage in terms of rehousing.
7. Members of the Armed Forces who have been discharged within 5 years from the date of application for rehousing. Priority will also be awarded to any applicant who is due to be discharged from service. In these cases, the applicant will be required to produce the MoD's Certificate of Cessation of Entitlement to Occupy Service Living Accommodation.
8. Applicants who are tenants of a social landlord who are living in

accommodation which is under-occupied by one bedroom in circumstances where an allocation would mean that the applicant's new home will not be under-occupied and the formerly under-occupied premises are to be allocated, by the council or a registered social landlord, to a household that will not under-occupy it.

Within the medium band, priority between applicants will be in date order according to the date when priority was awarded. Where two or more applicants were awarded priority on the same date, priority will be determined by the date of their housing application.

Any person described within these categories of medium housing need who has no local connection with the borough of Oldham will be placed in the low housing need band.

**140. Standard band**

This band will be awarded to:

1. Applicants who are not assessed as being owed reasonable preference
2. Applicants who have been assessed as being owed reasonable preference and who have refused three offers within six months without good reason (with the exception of homeless applicants owed a full homelessness duty under section 193(2) or 195(2) of the Housing Act 1996, where refusal of one reasonable offer will result in discharge of the council's homelessness duty
3. Applicants who have been assessed as being owed reasonable preference and as a result have been placed in the emergency or high band and have failed to bid at all within a six month period when there have been suitable properties available

Within the standard band, priority between applicants will be in date order according to the date of their housing application.

Any person described within these categories of standard housing need who has no local connection with the borough of Oldham will be placed in the low housing need band.

**141. Low band**

This band will be awarded to:

1. Owner occupiers who are applying for general needs housing, who don't fall into a statutory category of reasonable preference
2. Any applicants who are applying for general needs housing who don't fall into a statutory category of reasonable preference and whose assets or income are above the threshold (see paragraph 88)
3. Applicants with no local connection with Oldham (with the exceptions listed in paragraph 86)
4. Cases (irrespective of whether or not they qualify for reasonable

preference) where the applicant or a member of their household is considered to be guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant (but not serious enough to make them ineligible) and at the time of application for housing they are still considered to be unsuitable to be a tenant by reason of that behaviour, but where the council believes that the applicant or member of their household is prepared to take action to address that behaviour. In such cases, the council will award no preference at all until they have through their actions improved the behaviour to the satisfaction of the council.

## Reasonable preference

- A1 The following criteria detail when someone would qualify for statutory reasonable preference under the Oldham allocations scheme. Each of the statutory reasonable preference categories is set out below, together with how Oldham will assess whether an applicant will qualify under each specific reasonable preference category. There are also details of how Oldham will deal with allocations to persons of particular descriptions not within a category of statutory reasonable preference.

**Reasonable preference category (A) – people who are owed a duty by any local housing authority under sections 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)**

- A2 All applicants will receive high band priority to reflect their reasonable preference if they are homeless, in priority need and owed any duty under sections 190(2), 193(2) or 195(2) of the Housing Act 1996 as amended.

Applicants who qualify under reasonable preference category (A) include:

- A person who is in priority needs and unintentionally threatened with homelessness and the council has accepted that it owes an applicant a full duty under section 195(2) as being threatened with homelessness in the next 28 days
- A person who has been accepted as being owed a full homeless duty under section 193(2), i.e. those who are deemed homeless, in priority need and unintentionally homeless
- A person who is owed a section 190(2) duty that has been assessed as being in priority need but is intentionally homeless and has been provided with accommodation for a period of time to enable them to secure their own accommodation. High priority for this last group is only awarded for the period of time the duty is owed. This is normally 28 days following the decision that the person is intentionally homeless but the exact time will be determined by the council on an individual case basis. After this short time period has elapsed, high band priority will be removed and the applicant will receive medium band priority in line with their assessed need under reasonable preference band (B) below.

**Reasonable preference category (B) – people who are homeless (within the meaning of Part VII of the 1996 Act)**

- A3 All applicants that fall into reasonable preference group B will be granted medium band.

This group includes all households who are homeless under the definition of homelessness contained in sections 175-177 of the Housing Act 1996 Part 7, whether or not they were assessed as a result of a formal

homelessness application. It does not include those cases that have made a formal homelessness application which has determined that they are owed a full homelessness duty under section 193 or 195 of the Housing Act 1996.

A4 This definition includes a person who does not have accommodation which is legally and physically available to him or her, or has accommodation that it is not reasonable for him or her to continue to occupy. Under this provision, there is no requirement that an applicant should be in 'priority need' for accommodation, or that they have made a statutory homelessness application to the local authority under Part 7 of the Housing Act 1996. Where the council has assessed that the applicant is homeless under this definition, they will be awarded medium band priority.

A5 Applicants may qualify under reasonable preference category (B) if they are:

- Rough sleepers
- Those who have no accommodation at all where they can live along with other family members who normally live with them, or family members that the council decides might reasonably be expected to live with them
- Those who have accommodation but where in the council's opinion it would not be reasonable for them to continue to occupy it
- Those that have accommodation but they cannot secure access to it or, in the case of a movable structure like a caravan, there is no lawful place they can live in it
- Those who have made a homelessness application and have been determined by the council to be homeless but not in priority need, or found to be intentionally homeless but are no longer owed the limited temporary accommodation duty (normally 28 days) following a decision of intentional homelessness

The council will award additional preference for members of this group where:

- An applicant has children, is pregnant or is a single person who would be likely to be found to be in priority need due to vulnerability **and**
- The council considers that they will be physically homeless within 28 days **and**
- They accept a prevention option from the Housing Options Team which will mean that their homelessness is prevented for a minimum of six months

After that six month period they will move up to be awarded high band priority rather than their medium band priority, with an effective date from the date they entered the higher band.

Where a statutory homelessness application has been made and the applicant has been found to be owed a full homelessness duty as they have been found to be in priority need and unintentionally homeless, they will be awarded high band status under reasonable preference category (A)

below and will not be awarded medium band reasonable preference under reasonable preference category (B).

**Reasonable preference category (C) - people occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions**

A6 All applicants that are determined as being owed reasonable preference in this group will be granted high band or medium band status depending on the severity of their housing need.

Reasonable preference resulting in high band status will be awarded for:

- A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004
- Applicants who are subject to a Compulsory Purchase Order where there is a council decision to include their homes for compulsory purchase, and a voluntary sale has been agreed, or are council tenants subject to demolition proposals. The effective date of this priority will be the date council approves the demolition proposals
- The applicant is a private sector tenant and the council's housing implementation enforcement team has decided that the property poses a category 1 hazard under the health and safety rating and the council is satisfied that the problem cannot be resolved by the landlord within six months and as a result, continuing to occupy the accommodation will pose a risk to the applicant's health and / or safety. The assessment of all cases under this criterion will be carried out by taking advice from of the council (or any other council if the property is outside the Oldham area)
- Applicants who are living within an overcrowded household in such circumstances needs at least 2 more bedrooms than it has and an allocation would mean that the overcrowded household will either cease to be overcrowded or overcrowding will be alleviated. This category will not be available to any applicants whose overcrowding is reasonably believed by the council to have been brought about intentionally to gain an advantage in terms of rehousing

A7 Applicants whose housing conditions or level of overcrowding mean that it is not reasonable for them to continue to occupy their overcrowded accommodation and as a result they are owed a statutory duty under section 193(2) of the Housing Act 1996 will be awarded reasonable preference for statutory homeless duty under reasonable preference group B rather than under this group C.

A8 Reasonable preference resulting in medium band status will be awarded for:

- Applicants who are living within an overcrowded household in such circumstances needs 1 more bedroom than it has and an allocation would mean that the overcrowded household will cease to be overcrowded. This category will not be available to any applicants whose overcrowding is reasonably believed by the council to have

been brought about intentionally to gain an advantage in terms of rehousing

- Applicants who lack access to any of the following: a bath or shower, a toilet, running hot water, electricity / gas needed for essential activities, where access is unlikely to be achieved within a reasonable time and lack of access is through no fault of the applicant

**Reasonable preference category (D) – people who need to move on medical or welfare grounds (including grounds relating to a disability)**

A9 Reasonable preference category (D) includes any applicant for accommodation whose health, disability or welfare, or that of a member of their household, is significantly impaired by remaining in their current accommodation and there is a need to move as a result.

A10 All applicants assessed as owed reasonable preference for medical, disability or welfare grounds will be granted emergency, high or medium band priority, depending on the severity of the impact of their housing on their condition.

- Medical or disability grounds – reasonable preference is awarded following an assessment of an applicant's need to move due to medical or disability needs. More serious cases may be referred to the Community Occupational Therapy Team for a recommendation
- Priority will be given depending on how unsuitable the current accommodation is in relation to the applicant's medical, welfare or disability needs. The assessment is not of the applicant's health but how their accommodation affects their health or welfare. Only in exceptional cases will the detrimental affect on health or welfare be caused by the location of the accommodation itself rather than the physical condition or nature of the accommodation occupied. Such exceptional cases which attract Emergency and High banding will be considered by the Allocation Review Panel

**Medical and disability issues**

A11 An applicant who has an urgent need to move for very serious medical problems or disability will be awarded reasonable preference and additional preference and placed in the emergency band.

The following are examples of cases that would qualify for emergency band status under the reasonable preference categories linked to medical, welfare and disability needs:

- Where an applicant's condition is expected to be terminal within a period of 12 months and rehousing is required to provide a basis for the provision of suitable care
- A member of the household seeking accommodation cannot be discharged from hospital or rehabilitation accommodation until suitable housing is provided and the household had settled accommodation in the Oldham area prior to hospital admission
- The condition is life-threatening and the applicant's existing

accommodation is a major contributory factor

- The applicant's health is so severely affected by the accommodation that it is likely to become life-threatening
- A member of the household is elderly, disabled or has a progressive illness and is likely to require admission to hospital or residential / nursing care in the immediate future and rehousing would enable that person to remain living at home
- People who are completely housebound because of the type of accommodation they live in

A12 An applicant who has a need to move for medical reasons or disability and where rehousing will significantly resolve the problems will be awarded reasonable preference and placed in the medium band.

The following are examples of cases that would qualify for medium band status under the reasonable preference categories linked to medical, welfare and disability needs:

- The applicant is unable to mobilise adequately in their accommodation and requires rehousing into accommodation suitable for their use
- The applicant's accommodation is directly contributing to the deterioration of the applicant's health (such as a severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation)
- Where overcrowding in the property leaves the applicant at risk of infection (such as where an applicant is undergoing chemotherapy or suffering from full blown AIDS)
- Children with severe conditions such as autism or cerebral palsy where their long term needs cannot be met without settled accommodation
- A member of the household seeking accommodation is disabled, where a minor adaptation will not resolve the issue and where rehousing will enable that person to overcome physical barriers created by the current accommodation, e.g. steps / stairs
- A person whose accommodation requires substantial adaptations to a property which is not provided for in their current accommodation
- A person with a terminal illness or long term debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation where they may or may not be nearer to support

### **Welfare issues**

A13 Applicants that qualify for reasonable preference on welfare grounds will be those cases that require care and support needs or have other social needs that do not require medical care or support.

A14 Applicants awarded immediate reasonable preference plus additional preference on social and welfare grounds will be placed in the emergency band. This will be awarded to applicants whose current accommodation is

inappropriate for their assessed needs and there is an immediate risk of exploitation or abuse, of significant loss of daily living skills or of placement breakdown. In most cases it is expected that a care or support package will be provided to this group of applicants when they are awarded a home.

### **Reasonable preference for people who need to move on welfare grounds due to infirmity caused by old age**

A15 These cases will have their welfare need recognised and reasonable preference awarded. An assessment of an applicant's need to move due to infirmity caused by old age will be made by the housing options team taking into account information provided by one or more of the following:

- Occupational Therapy
- Adult Social care

### **Reasonable preference for people who are ready to move on from supported housing schemes**

A16 It is important to note that not all applicants who occupy named supported housing projects will qualify for reasonable preference. They must have vulnerability and urgent housing need that is best met by the provision of long term settled housing.

All other cases not owed reasonable preference under this category will be expected to receive support from the project and the housing options service to move on to either social or private rented accommodation.

### **Reasonable preference for people leaving care**

A17 The council wants to ensure that young people leaving care are helped to access secure and suitable long term housing. Care leavers are awarded reasonable preference in this category in line with protocols between Oldham Council's Housing and Children's Services. Applicants must be a former relevant child as defined by the Children Leaving Care Act 2002.

The criteria for an award of reasonable preference include:

- A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living
- They possess the life skills necessary to manage a tenancy, including managing a rent account
- They need at least a medium term support package
- The support needs have been assessed and the support package is in place
- The applicant's vulnerability is such that accommodation in the private rented sector would through its short term nature have a detrimental effect on their vulnerability

A18 As with people leaving supported housing schemes, not all care leavers will qualify for reasonable preference. They must have vulnerability and urgent housing need that is best met by the provision of long term settled housing. All other care leavers will not be owed reasonable preference under this

category and will be expected to be assisted by Children's Services and the housing options service to move on to either social or private rented accommodation.

### **Reasonable preference awards on welfare and medical grounds**

- A19 The award of reasonable preference on welfare grounds for Emergency and High banding will be made by the Allocations Review Panel. Medical priority will be awarded by a senior officer of FCHO. Examples of the types of cases that will be considered by the panel are contained in appendix I.

### **Reasonable preference category (E) – people who need to move to a particular locality within the local authority's district, where failure to meet that need would cause hardship to themselves or others**

- A20 This reasonable preference category applied to those who need to move to a particular area of Oldham, where failure to meet that need would cause hardship to themselves or others. The government's code of guidance suggests that people may fall into this category if they need to move in order to give or receive care, access specialist medical treatment, or take up specific employment, education or training opportunities in a particular locality. The need to move should be sufficiently great that it would cause hardship if they did not move, affecting health or leading directly to an inability to take up employment or training opportunities

Since Oldham is geographically reasonably compact with good transport links, reasonable preference will only be awarded in limited circumstances. Reasonable preference priority will not normally be awarded to applicants who claim that they require ongoing support from friends or relatives, unless there is severe mental health, medical or welfare issues relating to the applicant or a member of the applicant's household and exceptional reasons why this support cannot be made available through a reliance on public transport or the applicant's / support giver's own transport. The award of reasonable preference on hardship grounds will be made by the Allocations Review Panel.

- A21 Reasonable preference on hardship grounds will be awarded to applicants who have satisfied the council that they are fleeing severe harassment or violence from inside or outside the home but have not been accepted as being owed a statutory duty as a result of that violence or harassment. Such applicants will be placed in the high band.

Note – a statutory duty applies if the applicant applies as homeless and a full duty is accepted. Those cases that do not apply as homeless and wish to remain with relatives or friends can be awarded reasonable preference under this route without going through the homelessness route.

### **Other awards of reasonable preference**

- A22 Priority will be offered to council / FCHO / Registered Provider tenants who occupy a specially adapted property but no longer require the adaptations and where the move will free the accommodation for a high need disabled applicant. Such applicants will be awarded reasonable preference and

placed in the high band.

## Appendix B

### Overcrowded, insanitary or otherwise unsuitable accommodation

- B1 The fact that an applicant may be living in a property which is ‘technically’ unfit for human habitation, e.g. by having inadequate ventilation or lighting, does not necessarily mean that the authority must accept a duty to assist them under the **Housing Act 1996 Part V1**.

Before **any** priority banding is awarded to reflect the poor condition of an applicant’s property, enquiries will be necessary to establish if the applicant has explored all reasonable avenues to effect essential repairs or improvements, e.g. by applying for a Renovation Grant, or by contacting the landlord responsible for maintaining the property with a view to getting repairs completed, etc.

Liaison between officers from FCHO and the Economy, Places and Skills Directorate will necessarily remain an integral part of this process. Private Sector Enforcement Officers will advise both applicants and allocations staff on the specific options available to a household living in unsatisfactory conditions.

The award of a banding status other than standard can only be allocated after consultation and liaison with a Private Sector Enforcement Officer to ensure a consistent approach. The Private Sector Enforcement Officer will make recommendations regarding priority.

Overcrowding will be assessed by comparing a household’s bedroom needs against the bedrooms which are available to them in their current accommodation. The level of overcrowding is determined by the number of bedrooms available to the applicant in their current property. A bedsit is considered to have one bedroom and one bedspace.

Enquiries will be necessary to establish the reasons for and likely duration of any overcrowding before any priority banding status is awarded.

In assessing overcrowding it is assumed that a separate bedroom should be allocated to the following:

- A person living together with another as husband and wife (whether that person is of the same sex or the opposite sex)
- All persons over the age of 21, who are not cohabiting
- Two children, whether of the same sex or not), aged less than 10 years
- Two persons of the same sex aged 10 to 20 years
- Two persons of the same sex where one person is aged between 10 years and 20 years and the other is aged less than 10 years
- Any person aged under 21 years in any case where he or she cannot be paired with another occupier of the dwelling so as to fall in one of the above categories

Second living rooms will not be used when calculating the number of bedrooms which are available for a household’s use as households require adequate living space.

The bedroom requirement will be increased if any person within an applicant's household has a confirmed reason which absolutely **necessitates** their having a separate bedroom and their current accommodation is not adequate, e.g. if a bedroom is required for a registered carer who does not live permanently at the applicant's address but who stays overnight on a regular basis, or if an applicant needs a 'sterile room' for ongoing medical treatment, such as dialysis.

Applicants will only be considered for properties which meet their specific housing need, in terms of property size. The number of actual bed spaces required will be compared with those in a property to ensure that households are only considered for accommodation that meets their established housing need. For example, a three bedroom property may have either 4 or 5 bed spaces, studio flats are only suitable for a single person household.

Where an applicant has access to children (e.g. at weekends / school holidays / part of each week), they will be registered for '1+' bedroom need. They will be eligible to bid for 2 bedroom properties, but will only be considered for them if no-one with a 'genuine' 2 bedroom need bids for the property.

## **Appendix C**

### **Applicants in prison or on remand**

- C1 Applicants already registered on the Housing Register, who are then sent to prison or placed on remand, will be able to remain on the Housing Register, but their application will be suspended. They will be advised to contact the Housing Options Centre with confirmation of the date of their release from custody or remand to enable their records to be updated. Applicants can actively bid for properties up to 28 days before their release.

Eligible applicants not previously registered on the Housing Register, who wish to apply from prison or a remand centre may do so. Their application will remain suspended until the date of their release is established.

If an applicant will be homeless or threatened with homelessness on their release from custody or remand, they can request an interview at the Housing Options Centre.

## Appendix D

### Workingxtra

- D1 To will qualify for workingxtra status, at least one member of the applicant's household must be working, volunteering, taking part in approved training or acting as a carer.
- D2 **Working** - this is defined as working for at least 16 hours / week. At least one adult household member must have been employed for at least six out of the past nine months. For the purposes of this policy, employment can mean a permanent contract, working as a temporary member of staff or being self-employed. Proof will be required, e.g. contract of employment, payslips, P60, bank statements, verifying letter on headed paper. Verification will be sought at point of application as well as point of offer.
- D3 **Approved training** – at least one adult household member must be taking part in approved work-related training. The following are examples of approved courses:
- Modern apprenticeship
  - NVQ levels 1, 2 and 3
- Proof of enrolment, attendance, satisfactory progress, etc. will be required. Verification will be sought at point of application as well as point of offer.
- D4 **Volunteering** – this is defined as carrying out voluntary activities for a minimum of 16 hours / month with an approved organisation. The following types of organisations are approved:
- A constituted tenants / residents organisation registered with Oldham Council, FCHO or an RSL
  - A registered charity
  - A not for profit organisation
- The qualifying person must have been carrying out voluntary activities for at least six out of the past nine months. Proof will be required, e.g. verifying letter on headed paper. Verification will be sought at point of application as well as point of offer.
- D5. **Registered carer** – where the applicant (or someone in the applicant's household) caring for another member of the household. Verification will be sought at point of application as well as point of offer.

## **Appendix E**

### **Local lettings policies**

E1 Local lettings policies will be agreed jointly between Oldham Council and FCHO / participating RSLs. Any request for a local lettings policy (LLP) must provide the following information:

- Extent of area affected by the LLP
- The period of time for which the LLP will be operational
- Analysis of the suitability of the area
- Aims and objectives of the LLP
- Suitability of the eligibility criteria
- Details of the selection process and any additional selection criteria
- Consultation on the proposed LLP
- An equality impact assessment
- Details of how the properties will be advertised and how applications will be verified
- Monitoring and review process
- Any additional considerations

When an LLP is proposed, local elected members and the appropriate portfolio holder will be consulted. The LLP may be amended in the light of this.

## Appendix F

### Eligibility for bedrooms

Size of Household	Property Type							
	studio	1 bed flat bungalow	2 bed flat/ bungalow/ maisonette	2 bed house	3 bed flat/ maisonette	3 Bed house	4 bed house	5+ bed house
Single person	Y	Y	Y#					
Single person with access to 1 child		Y	Y^					
Single person with access to 2 or more children		Y	Y^		Y^			
Couple or 2 adults sharing		Y	Y#		Y#			
Three adults sharing			Y	Y*	Y			
Four or more adults			Y	Y*	Y	Y*		
Household with 1 child			Y	Y	Y#			
Household with 2 children under 10			Y	Y	Y#			
Household with 2 children opposite sex 1 or both over 10					Y	Y		
Household with 3 children same sex			Y	Y	Y	Y		
Household with 3 children mixed sexes					Y	Y		
Household with 4/5 children					Y	Y	Y	
Household with 6+ children							Y	Y

N.B. CHILD = 16 years or younger

# Can only be considered for accommodation larger than the assessed need if there are no suitable applicants requiring that size of property

\* Can only be considered if there are no suitable applicants with children under the age of 16 years

^ Can only be considered if there are no suitable applicants with permanent household members requiring that size of property

## Appendix G

### Service standards for housing applicants

G1 FCHO will consider every application received and:

- Make sure the council meets its legal obligations in allocating accommodation
- Provide free advice and information about the right to apply for accommodation
- Provide free assistance to applicants who may have difficulty when making an application, including help for any applicant to complete the application form if they need assistance
- Make sure that any information provided is easy to understand and is readily accessible
- Outline and explain how the council will offer choice and the ability for applicants to express a preference for an area / areas
- Provide information to all applicants of what types of accommodation are available throughout the district
- Provide information about how long an applicant is likely to have to wait before being allotted accommodation
- Make available to all applicants (and others) who request it a full copy of this allocation policy. A charge may be made for this
- Provide a summary of the scheme on request
- Treat each applicant equally in accordance with their need, regardless of race, religion or creed, ethnic or national origin, disability, gender, sexual orientation or marital status
- Regularly monitor applicants who apply for accommodation
- Ensure that all information provided by applicants is treated in strictest confidence. The council will comply fully with the Data Protection Act in relation to all information it holds about applicants registered under the scheme

## Appendix H

### Priority for social and management reasons

H1 **Emergency** – immediate need to move from their current home. Examples include:

**Hospital discharge**- where on release from hospital their current home will be unsuitable for their medical need and cannot be adapted due to cost, structural difficulties or within a reasonable amount of time.

**Emergency medical, welfare or disability**- an example would someone with a terminal illness and rehousing is required for the provision of suitable care.

**Exceptional need to move** - High risk victims of domestic abuse who are subject to a MARAC as part of an agreed safety plan.

Applicants suffering extreme violence, race hate or harassment and can demonstrate that it is not safe for the applicant or household to remain in their current home.

**Child Protection**- Where there is serious threat to the well-being of a child and the current accommodation is a contributory factor to the risk.

**Demolition/CPO/ Change of use**- when an applicant is either one of the few remaining residents in an area and there are concerns as to their health and safety or where the applicant is delaying a demolition scheme

**Pressing management reasons** – an example would be

H2 **High** - where there is an urgent need to move from the current home. Examples include:

**Safeguarding children**-

Children who are subject to a CAF assessment and deemed as a child in need and where the property is a contributory factor to the risk of the child and where a move would contribute significantly to the well being of the child

**Urgent need to move**- applicants experiencing violence, race hate or harassment where it has been demonstrated that the family can only remain in their current home on a temporary basis until suitable alternate housing is found

**Medical grounds**- a member of household requires adaptations for medical reasons, but the current home is un-adaptable due to cost or structural issues as identified by COTT / adaptations team. The household needs to move to a property that meets their needs or has the potential to meet their needs through adaptation. Adaptations must be agreed prior to accepting the property

**Medical grounds** – Where a member of the household is unable to access a bedroom, the bathroom and the toilet and as a result is sleeping downstairs and using a commode. Cases where the applicant does not want their existing

home adapted and needs to move to a property that either meets their needs or has the potential to meet their needs through adaptation will be considered for high priority. The adaptations must be agreed before the property is accepted

**Cumulative need-** Applicants with two or more of the categories of medium housing need listed below or where there is a high need to move home on social grounds. This would be the decision of the panel.

H3 **Medium-** where there is a need to move for social and management reasons within a reasonable time frame. Examples include:

**Children above first floor-** where an applicant has 2 or more children aged under 5 and their current accommodation is above the first floor.

**Furnished tenancies-** where an applicant lives in a furnished tenancy and can no longer afford to live there

**Medical grounds** – where the home environment and medical condition is restricting the normal activities of daily living of a member of the household and rehousing will significantly resolve these issues

## Appendix I – terms of reference for Allocations Review Panel

### I1 Purpose

Cases that the Allocations Review Panel (ARP) may consider include (but are not limited) to the following:

- Decisions on what priority (if any) to award to certain types of applications, including as:
  - emergency and high priority for welfare cases, priority on hardship grounds
  - priority for emergency band on medical grounds
  - disabled applicants who are owner occupiers or who have assets / income above the threshold
  - recommend the type of property and any specific facilities required to meet a person's needs
  - recommend that a household needs to live in a particular locality
- Where the existing policy does not cover the circumstances of the case
- Where an applicant has requested a review of a decision relating to their application

### I2 Membership

For decisions on priority, or where the policy does not cover individual circumstances, the ARP will consist of 3 officers from FCHO

For case reviews, the ARP will consist of three senior officers, one from FCHO, one from Oldham Council and one from either a participating registered provider or OHIP. No officer on the panel should have been involved in previous decisions about the case.

A senior officer from another service, such as health or social services, may occasionally attend as an advisor.

**I3 Frequency of meetings**

The panel will meet as required.

**I4 Decision making**

In the most urgent circumstances, decisions can be made by one panel member only, but that decision will be referred to the next full panel for ratification.

If an applicant requests a review of a decision made by the ARP, the review will be considered by the next full panel meeting if timescales allow. If the original decision is upheld, the applicant will be advised to consider pursuing the matter through the council's / RSL's complaints procedure. The complaints process will only review the administration process or adherence to procedures and / or policy, etc. and will not comment on the panel or officer's decision.

## Appendix J – Details of housing providers in Oldham

Provider	Address	Telephone	Website
First Choice Homes Oldham (FCHO)	1 Media Square Phoenix Street Oldham OL1 1AN	0161 770 6699	<a href="http://www.fcho.co.uk">www.fcho.co.uk</a>
Guinness Northern Counties	3 Argyle Parade Darnhill, Heywood Rochdale OL10 3RY	0845 605 9000	<a href="http://www.ncha.co.uk">www.ncha.co.uk</a>
AKSA	2 Media Square Phoenix Street Oldham OL1 1AN	0161 620 2992	<a href="http://www.aksahousing.co.uk">www.aksahousing.co.uk</a>
Places for People	8 <sup>th</sup> Floor, Paragon House 48 Seymour Grove Manchester M16 0LN	0800 432 0002	<a href="http://www.placesforpeople.co.uk">www.placesforpeople.co.uk</a>
Contour	Quay Plaza 2 1 <sup>st</sup> floor – Lowry Mall Salford Quays Salford M50 3AH	0345 620 1120	<a href="http://www.contourhousing.co.uk">www.contourhousing.co.uk</a>
Regenda	St Chad's Centre Limegreen Parade Oldham OL8 3HH	0344 736 0066	<a href="http://www.regenda.org.uk">www.regenda.org.uk</a>
Villages	2 Fircroft Road Fitton Hill Oldham OL8 2QN	0161 633 4060	<a href="http://www.villages.org.uk">www.villages.org.uk</a>
Housing 21	2 <sup>nd</sup> Floor, Meridian Centre King Street Oldham OL8 1EX	0345 604 4447	<a href="http://www.housing21.co.uk">www.housing21.co.uk</a>
Great Places	119 Union Street Oldham OL1 1TE	0161 484 3242	<a href="http://www.greatplaces.org.uk">www.greatplaces.org.uk</a>