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Homefinder

Common Allocation Policy

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Part I General Information

1 Introduction

This document explains the Northumberland Homefinder Allocations service.

A partnership of Northumberland County Council and Housing Providers working within Northumberland, have agreed a common housing allocation policy that will be used to allocate properties to those in housing need who are eligible to join the housing register.

The policy is available for public inspection from <http://www.northumberland.gov.uk/> and can be made available in a variety of formats.

Northumberland Homefinder is a Choice Based Lettings scheme which aims to give a more customer focused approach to the letting of social housing.

The scheme will offer increased options for housing by including adverts for private sector rented properties, low cost home ownership, and mobility schemes.

2 Legislative Framework

The legislative framework is set out in the Housing Act (1996) as amended by the Homelessness Act (2002) and the associated statutory codes of guidance.

The policy is part of the “Allocation Scheme” that also includes procedures on all aspects of the allocations process that will be published separately.

All partners have agreed to adopt the legislative framework and this policy forms an “allocation scheme” described in the Act.

The legislative framework applies to the Council although it requires registered social landlords to cooperate in offering accommodation and to assist the council to discharge its statutory duties to homeless people.

An allocation includes where the Council selects a person to be a secure or introductory tenant of council housing or makes a nomination to a housing provider including registered social landlords.

The policy will be used to make nominations to other housing providers who are not partners in Northumberland Homefinder.

Where an allocation by a Registered Social landlord follows the policy it will be a nomination and meet the requirements of any quota set in any nomination agreement made with the Council.

An allocation can be made outside the allocation policy by a partner but not by the Council.

The legislative framework requires the policy to give reasonable preference to some groups. Where this policy refers to housing need, it also means reasonable preference.

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

(a) people who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who do not have a priority need for accommodation

(b) people who are owed a duty by any local authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any local authority under section 192(3)

(c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions

(d) people who need to move on medical or welfare grounds, including grounds relating to a disability

(e) people who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship (to themselves or to others)

The legislative framework also restricts who can be considered as eligible to be allocated housing and allows financial resources, behaviour and local connection to be taken into account.

3 Equality Statement

This lettings policy will not discriminate, directly or indirectly, on grounds of race, colour, ethnicity, religion, nationality, gender, marital status, sexual orientation, age, HIV status or disability and will comply with the Commission for Racial Equality's Code of Practice in Rented Housing.

The scheme will ensure that its policies and practices are non-discriminatory and will aim to promote equal opportunity. This policy has been developed with regard to codes of guidance issued to local housing authorities in England, in exercising functions under 167(1A) and 167(2E) of the Housing Act 1996. The Policy will meet the requirements of appropriate Housing and Equality Legislation and guidance.

4 Scheme Objectives

The key aims of Northumberland Homefinder are to:

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

We will deliver these aims by:

- Using a Common Housing Register and Common Allocations policy across Northumberland.
- Operating a banding scheme where applicants are placed in one of four bands according to their level of need.
- Advertising all available homes weekly.
- Providing support advice for vulnerable customers when they need it.
- Improving understanding and confidence in choice based lettings.
- Providing applicants access to straightforward and realistic information on supply and demand and the prospect of re-housing.
- Facilitating mobility regardless of tenure.
- Promoting equality of opportunity regardless of sex, race, age, disability, sexuality, colour, nationality or ethnicity.

5 Our Commitment to Sustainable Communities

A key aim of the partnership is to create communities that are balanced, safe, inclusive and sustainable, whilst encouraging community cohesion. To achieve this aim, a proactive approach will be adopted where areas have the potential to fail. If sustainability of a particular location is threatened, the relevant partner landlord will consider all evidence, which may come in a variety of sources including sustainability assessments and the concerns coming from housing staff, residents and other key stakeholders.

It is important that the partnership has the ability to operate the policy in a way that supports the long term needs of communities to have balanced and sustainable populations. This will mean that some property adverts may be limited to a specific type of tenant, where a sensitive let is needed or where the balance in a particular area needs to be redressed. This action will only be taken in exceptional circumstances and only when there is clear and convincing evidence. The relevant partner landlord will retain the evidence as to why this action is undertaken and the outcomes will be made available when the lettings results are published to ensure openness and transparency.

6 Local Lettings Plans

Partner landlords may draw up, as an exception, “local lettings schemes” where either local tenants, staff, landlords and other key stakeholders in the community have identified or recommend that such a scheme would benefit the community.

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

Each new local lettings scheme proposal will be evidence based and will require consultation with local residents and stakeholders before a formal report is submitted to the council’s cabinet outlining the results of the community consultation and recommendations for the local lettings policy.

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

Properties subject to Local Lettings plans will be advertised through the usual channels and where preference is to be given to a specific type of applicant, this will be clearly stated. The outcomes will be published as per any general needs property.

See [Appendix 1](#) for the criteria for adopting a local lettings plan.

6.1 Rural Allocations Criteria

Northumberland Council and the local housing providers have a number of homes available to rent in rural parishes. Northumberland Homefinder recognises that there may be a lack of affordable homes in rural parishes and aims to support rural communities by awarding additional preference to families with a strong local connection.

A rural allocations criteria may be used to let vacant homes in rural parishes outside the main towns where the landlord, or a Section 106, indicates it will be subject to the rural allocations criteria.

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

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

- Lived in the parish for at least 3 years of the 5 years immediately prior to the date of selection for an offer.

A rural location is defined in a Statutory Instrument and is usually where a settlement is less than 3,000 in population. The list of rural locations, typically these will be Parishes, will be published as an addendum to this policy.

Properties in rural parishes will be advertised to applicants whose bedroom requirement is one less than the property size. The successful applicant will be the bidder who meets the rural connection criteria to the parish in which the property is advertised or the adjoining parish, with the highest priority band who has been on the list the longest.

Where there is no expression of interest from an applicant who meets the criteria of the local or rural allocations criteria the property will be allocated as a general let using the usual criteria. In this instance the shortlist will be compiled in order of bidders who meet the maximum bedroom calculations, priority band and length of time on the list. Where there is no suitable applicant, bidders who meet the minimum bedroom requirements will be shortlisted by priority band and application date.

6.2 Section 106 Agreements

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

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

7 Advice, Assistance And Support

The Northumberland Homefinder Allocations Scheme places the onus on the applicant to be proactive in identifying and bidding for property. Applicants may need advice and information to enable their successful participation in the scheme.

Northumberland Homefinder have published an Access and Support strategy which sets out how Northumberland Homefinder will:

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

- Facilitate opportunities for all client groups to be able to express their interest in available properties

The Officers of Northumberland Homefinder can provide advice and support on any issue that may negatively affect an applicant's ability to successfully secure or maintain housing. This may include making a referral to appropriate organisations, with the applicant's permission, to provide the necessary advice and support.

This advice might include issues such as addressing rent arrears and other debt problems or any other advice that may be required on issues such as employment, benefits, health etc.

7.1 Support for Vulnerable Applicants

Northumberland Homefinder will work in partnership with other local authorities, RSL's, housing providers and voluntary organisations to meet housing need, and with support services (such as Supporting People Teams, health authorities, social services departments, police and probation services and voluntary organisations) to ensure that housing, care and support needs of vulnerable people are met.

Partners in this scheme will work together to ensure that appropriate assistance is provided to all those in need and may provide this support itself, or through partnership working with social services, voluntary sector agencies, or advocates.

The scheme will not unduly influence an applicant's choice of accommodation when providing advice or support. The Scheme will hold an "assisted applicants" list. This will be for applicants who due to their vulnerability require additional help with participating in the scheme. This additional help could be, for example, helping customers bid for available homes, or sending the property brochures directly to people who cannot access the information in any other way.

To ensure vulnerable groups are not disadvantaged under the scheme a full monitoring system is in place to ensure all groups are accessing and using the scheme successfully.

8 Notification of Decisions and the Right to a Statutory Review of a Decision

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

- Obtain free advice and assistance about the right to make an application for housing
- In making an application request general information about how his or her application is to be treated under the letting scheme, what preference is to be given and whether appropriate housing to meet his or her needs is likely to become available.

- Be notified in writing of any decision that preference will not be given because of unacceptable behaviour
- Request the Council to be informed of the facts of the case taken into account in deciding to allocate housing accommodation
- Request the review of a decision on reduced priority or any decision based on facts which have or have not been taken into consideration and to be informed of the decision and the reasons for it.

The partners in Northumberland Homefinder will allow a review of any decision made under this policy.

Applicants will be provided with one right of review which must be made within 21 days of notification of the original decision. Any review will be considered by a panel comprising at least one officer who was not involved in the original decision and who is senior to the original decision maker.

Where the applicant remains dissatisfied with the decision after consideration by a review panel, then it can be challenged through the partner organisations own complaints process.

Where the challenge concerns a matter of policy or governance, the Council will become involved at the second stage as per the Northumberland Homefinder Complaint and Feedback procedure.

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

The applicant may seek a judicial review where they will need to demonstrate that the Council or it's partners acted unreasonably or irrationally or did not follow correct legal process. Proceedings must be launched promptly and in any event within 3 months of notification of the decision. Applicants should be advised to seek independent legal advice before pursuing this option.

8.1 Submitting a New Application

Applicants will, at the time of the decision being made, be advised of the reasons for the decision and, where applicable, will be advised of the requirements that need to be demonstrated before an applicant can re-apply to the housing register or ask for the decision to be repealed.

The applicant will also be provided with an indicator of when a new application would be reconsidered. As there are no set time periods for ineligibility, this will be a guide and individual circumstances will be considered. Applicants must demonstrate that their previous behaviour has improved and there are no further incidents of unacceptable behaviour, or that their circumstances have sufficiently changed as to warrant a "fresh" application. The applicant will be required to support this by supplying appropriate evidence.

9 Monitoring

There will be a monitoring process in place to monitor various aspects of the scheme within Northumberland Council. This will be to ensure that the scheme is operating in the most effective way and that any issues are identified and addressed as early as possible.

10 Policy Review

The Northumberland Homefinder Allocations policy is to be reviewed within the first 12 months of operation to ensure that the policy meets its stated objectives and complies with legislative changes.

Any changes to the Common Allocation Policy that are to be implemented will only be done so after the required consultation has been undertaken and prior notice to members/partners and the majority agreement amongst the partner landlords.

Part II Applying to Join Northumberland Homefinder

11 Common Housing Register

Northumberland Homefinder will operate a single common housing register. This means that applicants only need complete one application form to join the scheme.

12 Who Can Apply?

All applications to join the Northumberland Homefinder Register will be considered, including council and RSL current tenants, provided that the application has been made in accordance with this scheme and in accordance with Section 166(3) of the 1996 Act.

The Northumberland Homefinder Register is open to anyone aged 16 or over, unless they are specifically ineligible, however there may be limitations on ability to re-house applicants under the age of 18 with some Registered Social Landlords (RSLs) due to their internal policies on minimum age of tenants. These limitations will be clearly labelled on featured property adverts.

To be registered with the scheme a housing application must be completed. Registration does not bind the Council or any of its partners to offering the applicant a particular property or any property at all. Application forms will be made available from a variety of locations.

13 Applicants Not Eligible For Housing or Nomination

Any person over 16 years of age can be registered with Northumberland Homefinder with the exception of:

- People from abroad who are
 - not already a secure or introductory tenant, or an assured tenant of housing accommodation allocated to him/her by a local housing authority
 - subject to immigration control within the meaning of the Asylum and Immigration Act 1996 but not in a class prescribed by the Secretary of State
 - in a class prescribed by the Secretary of state as ineligible
 - a person treated by the Council as ineligible because of unacceptable behaviour.

The Council is additionally prohibited from allocating accommodation to two or more persons jointly if any of them is a person who is ineligible or treated as ineligible under the categories set out above. A registered social landlord can allocate to applicants from abroad who are not eligible but this is not a nomination.

See [Appendices 2 and 3](#) for further detail.

14 Applicants Not Eligible Due to Unacceptable Behaviour

An applicant may be treated as ineligible if the Council is satisfied that

- the applicant or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant, and
- In the circumstances at the time the application is considered, he/she is unsuitable to be a tenant by reason of that behaviour.
- For an applicant to be classed as ineligible due to unacceptable behaviour the behaviour would have had to be serious enough to have permitted the council to have obtained a Possession Order under s.84 of the Housing Act 1985 in relation to any of the grounds in Part 1 of Schedule 2, other than Ground 8, had the applicant been a council tenant at the time the behaviour occurred.

Applicants classed as being ineligible through unacceptable behaviour can make application for accommodation in the future if they can demonstrate a changed pattern of behaviour.

Before an applicant is considered to be ineligible the circumstances of their case will be considered by Officers who will consider the case against the Code of Guidance, relevant Case Law and in line with the guide to ineligibility [Appendix 2](#). Information may be sought from any agency that supports the applicant to inform the assessment.

Any applicant considered to be ineligible will be advised in writing of the reasons for ineligibility, what the applicant must do to improve the behaviour that would be sufficient to consider him or her to be eligible and the timeframe in which a new application may be considered. The applicant will also be given the opportunity to appeal against the decision. See [section 8](#) for further details.

The onus is on the applicant, not the landlord or Council, to demonstrate in any new application that the unacceptable behaviour has ended or has improved sufficiently.

Applicants who have previously been deemed as ineligible may submit a “fresh” application when the circumstances of the application are not exactly the same as they were when they were deemed ineligible.

An applicant’s priority may be reduced where they or a member of their household has:

- A history of rent arrears or other housing debt which affect their suitability to be a tenant determined by the seriousness of the arrears and whether this was the result of wilful behaviour
- A history of anti-social behaviour or deliberate damage to their own property or another’s property.

15 Application Form

There is one application form to join the scheme. If an applicant chooses not to, or fails to complete the questions in the application to enable verification or an assessment to be made including the ability to afford to purchase, then the application cannot be registered.

15.1 Joint Applications

Joint applications are encouraged and can be made so long as both parties are eligible.

Joint applicants can only make one application. In the case where two sole applicants wish to become joint applicants, one of the applications must be withdrawn and the other amended to reflect the joint circumstances.

16 Verification

Applicants will be required to provide any reasonable information requested in connection with the application for housing at the point of application and at offer stage. This must be provided either as part of their application or upon reasonable request. Such information will be used to check the accuracy of the information provided and enable a full assessment of the application.

We may seek certain references from existing or previous landlords or relevant agencies to decide whether or not an applicant is ineligible.

17 Changes in Circumstances

An applicant is required to advise the scheme of any changes in personal circumstances that affects their housing application or eligibility to remain on the housing register. Such changes may affect the priority band in which the applicant is placed.

The applicant's new circumstances will be re-assessed and the applicant placed into a priority band reflecting current housing need that may remain the same, or shift to a higher or lower band.

18 Keeping the Register Up To Date

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

If an applicant fails to respond to the annual review the application will be cancelled. However there will be circumstances where the application may be reinstated with the original date of application provided this is done within twelve months.

A housing application will be cancelled where the applicant

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

19 Giving False Information or Deliberately Withholding Information

It is an offence for anyone applying for housing to:

- Knowingly or recklessly give false information relating to:-
 - o Their application for housing
 - o Subsequent review information
 - o Other updating mechanisms e.g. change of circumstances
- Knowingly withhold information which has been reasonably requested.

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

Part III Assessing Housing Need

20 Reasonable Preference

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

Northumberland Homefinder define their reasonable preference bands as Band P, 1 and 2. The current statutory reasonable preference categories are set out in s.167(2) of the 1996 Act. These were rationalised in the Homelessness Act 2002 (and further refined by the Housing Act 2004) to ensure that they are squarely based on housing need. The reasonable preference categories are defined in section 2 of this document.

21 Additional Preference – Urgent and Severe Housing Need

We will give additional preference to applicants with an urgent and severe housing need by placing the application in the priority housing need band P in most cases. Urgent and severe housing need applicants will be given priority for all advertised vacancies, unless there is a Local Lettings scheme, rural allocations criteria or Section 106 in place where additional criteria is required to be met, or where a direct let is to be made due to management reasons. Where this is the case, the advert will clearly state the additional criteria that an applicant is required to meet.

Urgent and severe housing need will be determined having regard to all the circumstances of the applicant's case. Professional advice may be sought, as necessary from Health and Social Services Departments, Voluntary and Support Agencies etc.

Band P urgent and severe housing need status can be awarded for three months, except homeless priority households owed a full housing duty in which case it is four weeks, after the date notification is given to the applicant. This may be extended having regard to the specific circumstances of the applicant and availability of accommodation within that timescale to meet the needs of the household. Assisted bidding will be offered.

An extension of time-limited priority may be authorised where:

- The applicant has been active in expressing an interest in appropriate properties but no suitable accommodation has become available or they have not come top of the list for any specific properties for which they have expressed an interest
- Personal circumstances have prevented them being pro active e.g. after effects of threats of or actual violence or because of severe health reasons
- The applicant could not reasonably be expected to understand what they were expected to do under the scheme

- The applicant was incapable of accessing the scheme, without advice and assistance and this was not available.

An extension of time-limited priority will not usually be authorised in any other circumstances.

22 Priority Bands

A system of banding eligible applicants in groups according to the level of their housing need is in place. The bands are categorised as

- Priority Band P for those with an urgent and severe housing need.
- Band 1 for those who are in high housing need.
- Band 2 for those who are in medium housing need.
- Band 3 for those who are adequately housed.

23 Multiple Needs And Preference

This assessment will be conducted where the applicant's housing needs falls into more than one reasonable preference category.

With regard to homelessness as a reasonable preference, a determination by a designated officer will be required before a multiple needs assessment can be completed.

The applicant is required to meet a minimum of one of the individual criteria within each reasonable preference group. Multiple criteria, where an applicant meets more than one criterion within one reasonable preference group will be regarded as meeting only that reasonable preference group.

24 Local Connection

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

An applicant with reasonable preference but no local connection to Northumberland will be given less priority than an applicant with reasonable preference who does have a local connection to Northumberland.

An applicant with reasonable preference but no local connection to Northumberland will be given greater priority than an applicant with no reasonable preference who does have a local connection to Northumberland.

Applicants defined as having a local connection to Northumberland will meet one or more of the following categories:

- The applicant or a person who might reasonably be expected to reside with the applicant is normally resident in Northumberland and have lived there for 6 out of the past 12 months or 3 out of the past 5 years
- The applicant previously lived in Northumberland and lived there for 5 years or longer

- The applicant or a person who might reasonably be expected to reside with the applicant is at present employed in Northumberland and the employment is not of a casual nature. Applicants will only be considered to have a local connection in these circumstances, if it is unreasonable to expect them to commute to their place of work from their existing home
- The applicant or a person who might reasonably be expected to reside with the applicant has close family connection to Northumberland. A close family connection is defined as parent, child, grandparent, grandchild or sibling who has lived in Northumberland for 6 out of the past 12 months or 3 out of the past 5 years
- Only in exceptional circumstances would the residence of relatives other than those listed above be taken to establish a local connection. The residence of dependent children in a different district from their parents would not be resident of their own choice and therefore would not establish a local connection with Northumberland
- There are special circumstances which the authority may consider to establish a local connection with Northumberland. This may be particularly relevant where the applicant has been in prison or hospital and his or her circumstances do not conform to the criteria above. Where, for example, an applicant seeks to return to Northumberland where he or she was brought up or lived for a considerable length of time in the past, there may be grounds for considering that the applicant has a local connection with Northumberland because of special circumstances. Northumberland Homefinder will need to exercise its discretion when considering whether special circumstances apply
- The applicant is leaving HM armed forces and has a local connection under any of the above criteria.

25 Homeless Priority and Other Statutory Duty To Re-House

Homeless priority will be determined by an officer and where the council accepts a duty to provide secure accommodation, under the Housing Act 1996 s 193(2) and 195(2) or other statutory duties a time-limited priority of 4 weeks applies.

If no suitable properties have been available during this period it will be reviewed for a further four weeks. Assisted bidding will be offered to all applicants to enable them to receive an early offer, acknowledging their choice of area and accommodation. At the end of their time-limited priority and where they have not been successful in securing suitable accommodation, or suitable accommodation which meets their household's needs has not been advertised then one offer of suitable accommodation will be made, as a direct offer, which will be regarded as discharging the Council's duty under s 206(1) of the Housing Act 1996. Applicants will be advised of the consequences of refusal and of their right to request a review of the suitability of the accommodation. However, a refusal of suitable accommodation after viewing the property will be considered as a suitable offer and will be regarded as discharging the council's duty under s 206(1) of the Housing Act 1996.

26 The Priority Bands

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

Band P

Homeless Full Housing Duty
Statutory duty to re-house
Demolition and regeneration cases (decants)
Compulsory Purchase Order
High or severe medical/welfare/hardship need
Supported Housing Move On
Statutory overcrowding
Severe disrepair

Band 1

Homeless not in priority need
Preventing homelessness
Medium medical need
Medium welfare need
Severe Overcrowding
Insecure Accommodation
Under occupation
Medium disrepair / lacking facilities
Medium hardship

Band 2

Intentionally homeless
Medical or welfare need
Sharing facilities
Overcrowded
Hardship
Key worker

Band 3

Adequately Housed

26.1 Band P

Applicants who are deemed to be in urgent housing need will receive additional preference. All the circumstances of the case will be considered and professional statutory and voluntary agencies may be called on to provide evidence to confirm the applicant's particular needs.

- **P1 Homeless households who are owed a full housing duty**
Households who are owed a full housing duty under section, 193(2) (in priority need and unintentionally homeless or 195(2) (in priority need and unintentionally threatened with homelessness) (or under section 65(2) or 68(2) of the Housing Act 1985) of the Housing Act 1996

- **P2 Statutory Duty to Rehouse**

Where there is a Statutory Duty to house someone not specified below.

- **P.3 Decants, Demolition and Regeneration**

Where the duty to house arises as a result of the requirement to decant. This includes council tenants, registered social landlords tenants, private tenants and owner occupiers living within the boundary of a defined regeneration area who are required to move.

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

- **P.4 Compulsory Purchase Order**

Where the duty to house is because of a Compulsory Possession Order.

- **P.5 People who need to move on medical, welfare or hardship grounds**

For one of the following reasons (as outlined within the Code of Guidance Annex 3).

- There is a severe long-term limiting illness, whether physical or mental, or permanent and substantial disability where an urgent and immediate move is necessary because there is an immediate or substantial risk to life in their current home and adaptation is not practical or existing adaptations are no longer effective. Or it is impossible for the applicant to live in their current home and adaptation is not practical or existing adaptations are no longer effective.
- Witnesses of crime who are on witness protection and immediate or urgent re-housing is confirmed by the National Witness Mobility Scheme.
- The applicant is in hospital or residential care, awaiting discharge to a suitable home and the present home is unsafe or discharge is prevented by their housing situation.
- There is a strong likelihood of a child being accommodated by the local authority if rehousing is not made and this is confirmed by a social care professional.
- There is a strong likelihood of admission to residential care of an applicant or member of his household if re-housing is not made.
- A Children Act (2004) referral that requires an urgent and immediate move.
- Applicants with a diagnosed mental health condition and the applicant is living in conditions which are contributing to a critical deterioration in their mental health and there is a serious risk of committing suicide or harm to themselves or other people in their present accommodation.
- Young people aged 16 or 17 who are being supported by Social Services – Leaving Care Team or who are considered to be vulnerable by a recognised care or support professional and an appropriate care or support service is in place.

- **P.6 Supported Housing Move On**
Where an applicant is in Supported Housing and has been assessed as ready for independent living and they are occupying a space that is required for another person in need of that support.
- **P.79 Statutory Overcrowding**
The household being statutorily overcrowded in their current home.
- **P.8 Severe Disrepair**
The applicant is living in unsanitary, overcrowded, or unsatisfactory housing conditions by virtue of applicants living in accommodation judged to be prejudicial to health as defined by the Environmental Protection Act, or category 1 under the Housing Health and Safety Rating System Regulations, where it is agreed by the Council's Environmental Health Service that the most appropriate course of action is to re-house the household and they are unable to afford to remedy the problem or they are vulnerable.

26.2 Band 1

- **B1.1 Homeless not in priority need.**
Homeless, as defined under Part VII of the Housing Act 1996, but are not owed a full statutory duty to secure accommodation by the Council but does not include those who are intentionally homeless. This includes households that are unintentionally homeless but not in priority need and are occupying accommodation secured under section 192(3) of the Housing Act 1996.
- **B1.2 Preventing Homelessness.**
Occupying an assured short hold tenancy and a valid Possession Notice under section 21 of the 1988 Housing Act has been served by the landlord to terminate the tenancy at the end of the fixed term and would not be determined to be intentionally homeless. Preventing homelessness where homelessness has been assessed as being inevitable and not intentional.
- **B1.3 Medium medical/welfare need**
People who need to move on medical or welfare grounds because their quality of life or health is seriously affected by the accommodation occupied.

The applicant or a member of the household or for whom the applicant provides care has a serious long term limiting illness or permanent and substantial disability where their quality of life or health is seriously affected by the accommodation occupied or by the place in which they live and re-housing will alleviate this situation but an immediate need to move not indicated.

An established medical need must be demonstrated such as mental illness or disorder, physical or learning disability, progressive or chronic medical condition. Examples include but are not limited to:

- Someone is housebound or cannot reasonably access the essential facilities in their home and adaptation to the home is not possible.
- There are serious concerns about safety for example through risk of falling due to difficulties with access and adaptation to the home is not possible.
- The current home does not reasonably allow essential health treatment to be carried out e.g. renal dialysis and adaptation to the home is not possible.
- Applicants with a diagnosed mental health condition and the applicant is living in conditions which are contributing to a deterioration in their mental health where a move would prevent deterioration, relapse or exacerbation in their mental health.

Their quality of life is seriously affected by the accommodation occupied or by the place in which they live and re-housing will alleviate this situation but an immediate need to move not indicated.

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

B1.4 People living in Severe Overcrowded conditions

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

B1.5 People living in insecure accommodation

Occupying temporary insecure accommodation in non-secure tenancies or on licence agreements (and do not have title to an owner occupied home or a secure or assured tenancy) and where a valid notice to quit has been served and would not be determined to be intentionally homeless. This includes people living in with relatives, accommodation provided as a condition of employment such as those in HM Forces, licensed premises, caretakers or wardens (not within this scheme as they would be in tied accommodation – would likely be a management move), hostel or bed & breakfast.

B1.6 Under occupation

If an applicant is occupying social housing within Northumberland, provided by one of the partner landlords, and is under occupying their home by at least one bedroom, according to the property eligibility criteria ([see section 29](#)) and they are prepared to take a smaller home that they are eligible for under the Northumberland Homefinder letting criteria. Priority will be awarded provided that:

- A move would create a vacancy that meets an identified need.
- The rent account is clear and there are no outstanding housing related debts.

- There have been no breaches of tenancy, including ongoing investigations for anti-social behaviour.

B1.7 People living in medium disrepair / lacking facilities lacking (not sharing) a bathroom, kitchen or inside toilet.

The applicant is living in unsanitary or overcrowded or unsatisfactory housing conditions by virtue where it is agreed by the Councils Environmental Health Service that the most appropriate course of action is to re-house the household and they are unable to afford to remedy the problem or they are vulnerable but there is not an urgent or immediate need to move.

B1.8 People who need to avoid hardship

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

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

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

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

26.3 Band 2

B2:1 People who are intentionally homeless

Applicants who are homeless or threatened with homelessness as defined under Part VII of the Housing Act 1996, are not owed a duty to secure accommodation by the Council and who are determined to be intentionally homeless. This includes households that are intentionally homeless, in priority need, and are occupying accommodation secured under section 190(2) of the Housing Act 1996.

B2:2 People who need to move on medical or welfare grounds.

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

Short term or minor conditions will not be regarded as need for the purposes of this priority band.

B2.3 Sharing Facilities

The applicant is sharing kitchen, toilet and bathing facilities with someone not part of the applicant's household.

B2.4 Overcrowding

The current household of the applicant is overcrowded and, according to the property eligibility criteria ([see section 29](#)) are 1 or more bedrooms short.

B2.5 Hardship

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

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

B2.6 Key Workers

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

A key worker is someone whose employment vital to meet the objective of sustaining local communities. A key worker qualifies as needing to move if their employer can demonstrate that they are unable to recruit someone from the locality or someone who cannot reasonably travel to their place of work.

The Council will consider typical travel to work patterns and individual circumstances when assessing travel. Key workers who can afford to secure accommodation as defined in the Councils Housing Strategy will normally not have a need for social rented housing but will be assessed for low cost or shared ownership options or key worker housing schemes. Where a key worker is able to afford housing but is requesting accommodation for a period to allow the applicant time to secure their own accommodation. The Council will consider an allocation of accommodation that may not be a secure or assured tenancy, if the employer can demonstrate that they are unable to make alternative arrangements Decisions on whether an applicant is a key worker or is in need or may be allocated to particular tenures or schemes will be made by a designated senior officer.

26.4 Band 3

B3.0 Households who are adequately housed.

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

27 Financial Resources

Owner occupiers who are adequately housed or with the resources to obtain suitable accommodation would normally not attract any preference under this scheme. However the applicant's household needs relating to vulnerability due to age or disability will be taken into account.

Applicants will be placed in the band that reflects their current housing needs where they cannot afford to buy on the open market or their age or disability requires specific accommodation.

If an applicant chooses not to, or fails to complete the questions in the application to enable an assessment of the ability to afford to purchase, then the application cannot be registered because it is incomplete.

If the applicant can demonstrate a good reason for not completing the financial questions, then the application will be registered and assessed in line with the applicants housing need.

28 Applicants Who Have Deliberately Worsened Their Living Conditions

The lettings policy is intended to make sure that those in most housing need are housed more quickly. Its intention is not to reward those applicants who deliberately worsen their housing circumstances to get a higher priority band.

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

Where it is considered that the applicant has worsened their housing conditions, they will be placed in Band 2 unless an application is assessed as being in Band 3, in which case it will remain in Band 3.

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

Part IV Property Eligibility

29 Bedroom Calculations

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

- A couple (of either sex)
- Any persons in the household aged 16 years or over
- Two children up to the age of 13 of the same sex
- Two children aged under 10 regardless of sex
- Any unpaired child.

The aspiration of Northumberland Homefinder in letting homes will be to match household requirements with property type. Some properties will be designated for a particular use, for example older persons, those with medical needs or a property adapted for the disabled. Where this is the case, the eligibility criteria will be clearly stated in the advert. On some occasions there may be a need to allocated disabled adapted properties outside of the policy. Where this is the case, it will be clearly stated in the advert.

There may be occasions where households require larger properties to accommodate live in carers, equipment or other facilities.

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

Where requested, we may also allow households with a bedroom need of 3 or more (as defined by our bedroom calculations) to apply for properties with one bedroom less than they require as long as this does not create statutory overcrowding. Applicants should be aware that they may be classed as deliberately worsening their living conditions if they apply for a smaller property in order to increase their priority band.

Sheltered housing is normally allocated to people aged over 60 and then to people who are assessed as needing sheltered accommodation. Eligible single people can bid for larger sheltered housing flats but couples will be given preference.

Some properties can be designated for people with disabilities or needs requiring level access accommodation, however if there is no demand they may be let to general needs applicants.

30 Suitable Accommodation

An offer will be regarded as suitable where

- The accommodation is affordable having regard to the financial resources available to the applicant and the cost of the accommodation as determined under Homelessness (Suitability of accommodation) Order 1996
- The accommodation is of an appropriate size and type to meet the reasonable requirements of the household and satisfies the need for special features to meet any limiting illness or disability that exist within the household
- Its location does not deny reasonable access to receive support due to vulnerability or disability or a specialist medical or health facility where a member of the household has a severe long-term limiting illness or permanent or substantial disability where their quality of life or health would otherwise be severely affected.
- It's location does not deny reasonable access to a specialist educational establishment for a member of the household who has particular special educational needs which would otherwise result in a severe deterioration in that person's well being.
- It's location is not in close proximity to a perpetrator who has threatened or caused violence or domestic violence to a household member whose life or safety would otherwise be threatened
- It's location is not in close proximity to a perpetrator who has caused intimidation or harassment to a household (e.g. due to race, nationality, sexuality, gender, religion or belief, age or disability)
- Its location takes account of access to employment and educational requirements of the household in addition to family support networks; and established links to schools; doctors; social workers and other key services and support essential to the well being of the household.

31 Definitions of a Household

Northumberland Homefinder defines households as follows:

- A child is a person aged under 16.
- A couple is two people living together as spouses or partners of either sex including.
- A single parent household is entitled to the same size accommodation as a two parent household with the same number of children.
- Households that include a pregnant woman will have their property eligibility criteria assessed on the birth of the child unless the bedroom calculations would not be affected by the sex of the unborn child. Where the bedroom calculations would be affected by the sex of the unborn child, bedroom calculations will be reassessed once the sex of the newborn is confirmed.

- An older person can be defined as someone who is “of pensionable age” or in some cases may need to be defined as 60 years of age or over. For couples, only one of the partners has to meet the age requirement.
- Households who have staying contact arrangements with children but with whom the children do not reside on a permanent basis will be treated on the same basis as other households with children. There is no requirement for these children to spend a minimum number of nights with the applicant as long as staying contact is established. Contact arrangements apply to children under the age of 16.
- Households with a disability refers to households where at least one of the members has a medical or mobility need that they require an adapted property to meet those needs.

32 Overcrowding

Statutory overcrowding is set out under Part 10 of the Housing Act 1985. Where this criteria is met, applicants will be placed in band P. For all other situations of overcrowding the application will be assessed in accordance with the following criteria.

For the purposes of assessing overcrowding that is not statutory overcrowding the bedroom standard determines that a separate bedroom is allocated to:

- A couple (of either sex)
- Any persons in the household aged 16 years or over
- Two children up to the age of 15 of the same sex
- Two children aged under 10 regardless of sex
- Any unpaired child.

A notional number of bedrooms is calculated and compared with the number of bedrooms available for the sole use of the household. The number of bedrooms that the household is deficient then determines the priority to be awarded on the following scale:

Band 1 – 2 or more bedrooms deficient overcrowded

Band 2 – 1 bedroom deficient overcrowded

Part V Allocations

33 Advertising Properties

All available properties of the scheme partners will be advertised on a weekly basis.

Northumberland Homefinder will also advertise non-partner RSL properties, private landlord properties and properties that are available for shared ownership.

Properties will be advertised at

- www.northumberlandhomefinder.org.uk
- All partner offices
- Northumberland County Council Information Centres
- In some public buildings such as libraries and Citizens Advice Bureaux
- The information telephone line on 0845 60 66 546
- Any other outlet deemed suitable as a public access point.

Properties will be advertised from 00:01 on a Thursday until 23:59 the following Monday. This period is known as the lettings cycle.

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

34 Placing a bid

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

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

- www.northumberlandhomefinder.org.uk
- An automated telephone number; 0845 270 1997
- In person or by telephone at any partner office
- Through an advocate or support worker
- Through automated means in cases requiring a high level of support
- By SMS text message
- By Email
- At any Northumberland County Council Information Centre

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

Applicants can place up to three bids per advertising cycle.

35 Short-Listing and Selection

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

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

Where additional qualifying criteria has been advised shortlists will be adjusted accordingly with the stated additional criteria (e.g. connection to a parish or age) being the primary shortlisting criteria, followed by band and effective/registration date.

If an applicant is ranked first for more than one property the applicant will be contacted to decide which property they prefer. If the applicant can not be contacted within one working day to determine this choice the offer will be made on the first property bid on.

Shortlist position does not guarantee an offer.

36 Verification of Circumstances on Offer

When an applicant has been short-listed or selected for a property the landlords representative will confirm present circumstances and make the necessary reference checks. This may involve a home visit.

An offer of accommodation may be withdrawn if there is a reason to believe that the applicant's circumstances are different to those initially declared on their application in this instance the application will need to be subject to a further assessment in line with the requirements of the policy.

37 Viewings

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

38 Time Allowed For Accepting an Offer

Applicants will be allowed up to 1 working day after viewing a property to make a decision about accepting the property. If there are justified reasons, for example due to a vulnerability or support need, the landlord may decide to allow a longer decision time. All individual and household circumstances will be taken into account when making this decision.

39 Restricting Choice

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

40 Difficult to Let Properties

If a property has been advertised at least twice and there have been no bids from suitable applicants the landlord may relax the property eligibility criteria in order to allow applicants with one bedroom requirement less than the property would usually allow. In cases of age designated properties, RSL's may reduce the age requirement. The age limit on council owned stock will not be reduced below 60.

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

41 Making Direct Offers without Advertising – Direct Letting

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

- Where required in order to discharge of homeless duty
- Where there are exceptional circumstances where urgent and immediate housing is required
- Where an emergency plan has been activated

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

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

42 Nominations to RSL's and Private Landlords

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

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

Appendix 1 Criteria for Adopting a Local Lettings Plan

The criteria for adopting a local lettings plan are as follows:

- There must be a case prepared to adopt a Local Lettings Plan
- The need for a local lettings plan can be identified from local residents, officers of the council, local housing landlords, key stakeholders within the community, elected members
- Full consultation with all key stakeholders, residents must take place
- A report must be considered and agreed by the Northumberland Homefinder Project Board to implement a local lettings plan
- A local lettings plan can be implemented for a variety of reasons that may meet the local community needs and demands.

Appendix 2 Eligibility/Ineligibility Criteria

1. Introduction

This document is an appendix to, and supports the Northumberland Homefinder Common Allocations Policy and provides the process of assessing risk of housing applicants and determining eligibility for the Common housing register.

The guidance supplements, and does not replace, the guidance contained in *“Allocation of accommodation – Code of guidance for local housing authorities”*.

2 .Policy Objectives

The aims of this policy are to ensure that:

- Individuals are able to have ‘ordinary peaceful enjoyment’ of their homes
- Safe and stable communities are maintained
- Where possible, to minimise the risk of anti social behaviour
- Blanket exclusion policies are avoided and an individual assessment takes place
- Consistency in decisions on ineligibility is provided

3 .What is Ineligibility?

Northumberland Council operates a common housing register. People who are seeking a home must apply to join the register. A person can be excluded from joining the register because of unacceptable behaviour.

The Housing Act 1996 (as amended by the Homelessness act 2002) supported by *“Allocation of accommodation – Code of guidance for local housing authorities - Chapter 4Eligibility for an allocation of accommodation”* specifies the circumstances in which an applicant can be regarded as ineligible for an allocation of housing and therefore can be excluded from the housing register:

- **Applicants from the European Community.** Applicants from the European Community maybe eligible on confirmation of their status (see Appendix 3)
- **Persons subject to immigration control.** Persons from abroad who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996. However the government have described classes of persons who are subject to immigration control but are to be regarded as being eligible
- **Unacceptable behaviour** is behaviour which would, if the applicant had been a secure tenant have entitled the landlord to a possession order under the grounds for possession contained within the Housing Act 1985 s 84 which are largely grounds based on the tenant’s fault such as arrears, nuisance, using property for immoral or illegal purposes

Policies that promote blanket exclusion from the housing register are unlawful.

Appendix 3 Ineligibility Due To Unacceptable Behaviour

1. Defining Unacceptable Behaviour

The Council may treat an applicant as ineligible if satisfied that:

- The applicant or a member of the applicant's household has been guilty of unacceptable behaviour
- The behaviour is serious enough to make the applicant unsuitable to be a tenant of the participating landlord, and
- In the circumstances at the time the application is considered, the applicant is unsuitable to be a tenant of the participating landlord by reason of that behaviour.

The Code of Guidance requires a three-stage test, which must be met before ineligibility can be determined.

- **Is the behaviour unacceptable?** The landlord must be satisfied that the behaviour is unacceptable and is related to the applicant or a member of his household.
- **Is the unacceptable behaviour serious enough to make the applicant unsuitable as a secure tenant of the landlord?** In practice this means we need to be satisfied any possession order granted for unacceptable behaviour would not be postponed and as if it applies to secure tenancies.
- **Is the behaviour current and has it improved?** The behaviour must be considered within the circumstances of the application and at the time of the application. Previous unacceptable behaviour that has been shown to have improved may not be sufficient to consider the applicant as being unsuitable as a tenant and therefore ineligibility cannot apply. Behaviour of an ex-partner who is no longer a member of the applicant's household at the time cannot be taken into account.

It is important to recognise steps taken to address previously unacceptable behaviour. Recent good behaviour, for instance, improving previous bad behaviour by clearing or reducing rent arrears or demonstrating by engagement and complying with a rehabilitation or support programme such as a drug treatment and testing order, would be evidence to indicate changed and improved behaviour which may be sufficient to make them eligible for the register. Evidence would be required from a landlord or a support worker to confirm improved behaviour.

2 .General application

The following general guidelines apply:

- Spent criminal convictions cannot be taken into account (Rehabilitation of Offenders Act 1974 – Appendix 4)
- Housing debts from all rented tenures will only be considered. These are current or former tenant arrears, a recharge for property damage repairs or

the theft of fixtures or fittings (without crime incident numbers) or legal costs.

- No account will be taken of non-housing debts such as Housing Benefit overpayments, mortgage arrears, Council Tax arrears or other council debts. These debts are either not legally enforceable in tenancy law as a condition of tenancy or under the grounds for possession in the Housing Act 1985

3. Vulnerable Applicants

Due consideration will be given to all housing options in order to reconcile the needs of the individual applicants and those of the community. Unmet support needs can have an adverse effect upon communities therefore vulnerable applicants support needs must be met to enable them to live successfully in the community. This does not imply that ineligibility cannot be determined, but that a full account of the facts provided by the support agency must be taken into account when assessing an applicant's eligibility.

Appendix 4 Safer Estates Agreement and Risk Assessment

1. Introduction

A joint protocol, the Safer Estates Agreement, has been agreed between Northumbria Police, the Council and Registered Social Landlords operating in Northumberland. This provides the mechanism of information exchange through nominated contacts to ensure confidentiality and consistency of application of the agreement.

The protocol is available in full from the Northumbria Police website.

2. Decision to apply risk assessment

There will be no “blanket vetting” of housing applications. Each application must be considered on its own merits and risk assessment considered within the following criteria embodied within the Safer Estates Agreement.

Information may be requested from the Police under this protocol and where one or more of the following circumstances apply:

- The applicant admits to criminal convictions.
- There are significant gaps in their housing history.
- The department knows the applicant in that there is a previous history of anti social behaviour or criminality.

3. Stages of the Procedure

The procedure is in 5 distinct stages:

- Application by the individual
- Make a decision to apply risk assessment
- Implement Safer Estates Protocol
- Carrying out a risk assessment
- Involving other agencies
- Advice applicants of outcome including appeals procedure
- Appeals by applicants/Advocates

4. Applying for housing

Where an applicant applies for housing accommodation from the landlord, that person will be required as part of the housing application form to:

- Declare any convictions, and
- Complete an informed consent form
- Provide a reference

Where an applicant does not complete the declaration, he or she will be requested to do so. Applications will not be assessed until all necessary information is provided. The applicant will be notified in writing when their application has been processed.

Where the applicant refuses to sign the Informed Consent Form, the applicant will be informed either verbally or in writing of the need to establish his good character from other sources which are:

- From former or current landlords, or
- By the applicant applying direct to Northumbria Police for a Subject Access application under the Data Protection Act 1998 for which a charge may be levied, currently £10.00.

5. Use of Information and Information Sources

Information sources which may be used to complete the assessment include:

- Information received from visits, inspections and held on house files
- Factual information in the public domain e.g. reported cases in local media / press
- Statements from witnesses
- Information from the housing application including declared criminal convictions.
- Relevant information from other agencies such as Probation, Social Services
- Former tenancy reports from previous or current landlords
- Information from Northumbria Police through the Safer Estates Agreement

Decisions must be defensible and robust enough to withstand legal and other challenge. The requirements of case law and the Homelessness Act 2002 must be followed, in summary this means:

- That all cases must be considered on their individual merits
- Flexibility in application of procedures - overwhelming and urgent housing need and homelessness can outweigh the applicants housing history.
- Information taken into account must be comprehensive and not rely solely on information from Police.

6. Spent Convictions

The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become spent, and therefore do not have to be disclosed, after a rehabilitation period. Such convictions cannot therefore be considered within this protocol or for the possible exclusion from the waiting list.

The length of the rehabilitation period depends upon the sentence given not the offence committed. Custodial sentences of more than 2 ½ years can never become spent. Full details can be found at The Rehabilitation of Offenders Act 1974.

7. Risk assessment

The eligibility panel of approved officers, to determine the level of risk and taking account of all available information sources as detailed above, as follows, will undertake a risk assessment.

- **Level 1** - Significant risk to the stability or safety of a community.
- **Level 2** - Moderate risk to the stability or safety of a community.
- **Level 3** - Minimal or no risk to the stability or safety of a community.

Applicants assessed at Level 1 risk may result in exclusion from the housing register. Applicants assessed at Level 1 are likely to be high-risk offenders

who cause a serious threat or risk to the community. This could include criminal convictions for drug trafficking or possession of controlled drugs with intent to supply, assault or criminal offences endangering life, serious and persistent nuisance or severe racial harassment. This is neither exhaustive nor inclusive.

Other agencies may be invited to be involved in assisting in the risk assessment. The agency may request such involvement where necessary. The comments and advice of agencies will always be taken into account to inform the process but the final decision will rest with the eligibility panel.

Applicants classified into Level 2 may result in exclusion. Applicants assessed at Level 3 would not be excluded.

In assessing risk and appropriateness of re-housing, the Eligibility Panel will consider the following factors:

- Impact of the applicant(s) on the local community
- Appropriateness of the locality or area for re-housing
- Appropriateness of the type of housing or stock available
- Risk posed to staff

Applicants who are convicted of sexual offences or deemed to pose a significant risk of sexual offending will not be considered under this procedure. A separate multi agency public protection agreement (MAPPA) protocol already exists for this. See full MAPPA protocol for further details.

8. Confidentiality

Northumberland Council has a responsibility for the secure handling and storage of potentially sensitive information provided as part of this protocol. The information **will not** be used for any other purpose. Disclosure of information to other third parties **will not** occur unless directed to do so by that agency or with the prior written consent of the applicant.

All information obtained from Police or other agencies relevant to this protocol is treated with strict confidentiality and is held centrally and securely within the Central Services section of each participating partner and is not contained within individual person's application files, house files or personal files.

9. Involving Other Agencies

Where there is a known or recorded involvement with another agency, such as Probation Service, Norcare, Social Services or Health professional, information will be obtained and considered as part of the risk assessment.

Where there is information to indicate that the applicant or a member of his/her household has:

- Severe mental health or physical health problems
- Issues in relation to the Children Act such as a child at risk
- And, the applicants housing circumstances are deemed to be urgent or are affected by these circumstances.

All relevant agencies will be notified. A request for information will be made and where appropriate a strategy meeting to determine the risk assessment will be convened.

10. High-risk offenders

There will be a need for a more coordinated approach to manage the potential risk where there is a particularly high risk and/or potentially dangerous offender. Where the applicant(s) has been charged with or convicted of:

- Firearm offences
- Arson or criminal damage endangering life
- Homicide
- Kidnap/Hostage offences
- Serious assault occasioning actual bodily harm.

Then the Police and support agencies such as the Probation Service will be invited to a case conference to determine whether the application should be made ineligible or if whether a specific property type and location is appropriate based on the level of risk and the risk management strategies in place.

11. Rehabilitation of Offenders Act 1974

Under the Rehabilitation of Offenders Act 1974 criminal convictions can become spent or ignored after a rehabilitation period, although they remain on the Police National Computer. The rehabilitation period varies depending on the sentence or order imposed by the court - not the offence. Custodial sentences of more than two and half years can never become spent. The following sentences become spent after fixed periods from the date of conviction:

Sentence	Rehabilitation period Age 18 or over when convicted	Rehabilitation period Age 17 or under when convicted
Prison sentences of 6 months or less, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	7 years	3 and half years
Prison sentences of more than 6 months to 2 and half years, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	10 years	5 years
Borstal (abolished in 1983)	7 years	7 years
Detention Centres (abolished in 1988)	3 years	3 years
Fines (even if subsequently imprisoned for fine default), compensation, probation (for convictions on or after 3	5 years	2 and half years

February 1995), community service, combination, action plan, curfew, drug treatment and testing and reparation orders		
Absolute discharge	6 months	6 months

With some sentences, the rehabilitation period varies:

Sentence	Rehabilitation Period
Conditional discharge or bind-over, probation (for convictions before 3 February 1995), supervision, care-orders	1 year or until the order expires (whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
Referral Order	Once the order expires

Appendix 5 Determining Eligibility of Persons from Abroad

LIST OF COUNTRIES IN DIFFERENT EUROPEAN TREATIES				
EU	EEA	A8	A2	ECSMA and CESC ratified
				Most EEA plus
Austria	Iceland	Czech Republic	Bulgaria	Croatia
Belgium	Liechtenstein	Estonia	Romania	Macedonia
Cyprus	Norway	Hungary		Turkey
Denmark		Latvia		
Finland		Lithuania		
France		Poland		
Germany		Slovakia		
Greece		Slovenia		
Ireland		Czech Republic		
Italy				
Luxembourg				
Malta				
Netherlands				
Portugal				
Spain				
Sweden				
UK				

EC/U: European Community/European Union

EEA: European Economic Area

Swiss nationals have freedom of movement rights under an EC-Switzerland agreement. As a consequence of SI 2002/1241, they are eligible for social housing on the same basis as EEA nationals.

1. Housing Eligibility And Migrant Workers.

1.1 EEA national

The European Economic Area includes all the 27 countries now in the European Union plus three others that have signed up to some of the freedom of movement provisions. Switzerland also has an agreement that extends these rights to its citizens. From 1st January 2007 the EU and EEA have included Romania and Bulgaria. An EEA national is a person who is a citizen of one of those countries (not someone who simply has permission to live there.) The various free movement provisions also cover EEA nationals' family members, whether nationals or not.

EEA nationals are **not subject to immigration control** if they have been here for less than three months, are in the UK to work, seek work, give or receive services or establish or run a business, including self-employment or have rights to reside under other EU regulations.

1.2 Recourse to Public Funds

People subject to immigration control often have a condition attached to their permission to enter or stay in the UK that they will be able to "accommodate and support" themselves without "recourse to public funds". This does not usually apply to asylum seekers, refugees or people with ELR. In many cases, people are allowed to enter or stay in the UK on the basis that they will be able to "accommodate and support" themselves without "recourse to public funds". 'Public funds' are defined in the Immigration Rules (HC 395) (amended in March 2005) as:

- a. Housing under Part VI or VII of the Housing Act 1996 and under Part II of the Housing Act 1985.
- b. Attendance allowance, severe disablement allowance, invalid care allowance and disability living allowance under Part III of the Social Security Contribution and Benefits Act 1992; income support, working families' tax credit, council tax benefit, disabled person's tax credit and housing benefit under Part VII of that Act; a social fund payment under Part VIII of that Act; child benefit under Part IX of that Act; or income based jobseeker's allowance under the Jobseekers Act 1995.

In February 2005, the Immigration Rules were amended to add paragraph 6B which states that "A person shall not be regarded as having recourse to public funds if he is a person who is not excluded from specified benefits under section 115 of the Immigration and Asylum Act 1999 by virtue of regulations made under sub-sections (3) and (4) of that section or section 42 of the Tax Credits Act 2002".

1.3 Note on workers covered by ECSMA and CESC treaties.

See the list of European countries. The European Economic Area includes all the countries in the European Union plus others that have signed up to some of the freedom of movement provisions. An EEA national is a person who is a citizen of one of those countries (not someone who has permission to live there). The various free movement provisions also cover EEA nationals' family members, whether nationals or not.

1.4 A8 Accession nationals

On 1st May 2004, ten countries joined ("acceded to") the European Union. Two, Cyprus and Malta became full members of the Union immediately, but the other eight, in Eastern Europe, have had their membership phased in until 2009. Their nationals have the right to freedom of movement and the other rights to reside, but have more restricted access to European labour markets. In the UK they have more restricted access to housing and welfare benefits.

1.5 A2 – Bulgaria and Romania

On 1st January 2007 Bulgaria and Romania became members of the EU. Nationals of these countries enjoy freedom of movement and the other rights to reside but the UK has decided to limit their access to its labour market. In the UK low-skilled A2 workers are restricted to fill vacancies in existing quota schemes in agricultural and food processing sectors. Skilled workers are able to work in the UK if they obtain a work permit or qualify under the Highly Skilled Migrant Programme.

The arrangements will be reviewed within 12 months. As with A8 nationals, those actually in work generally have the right to reside and consequent access to benefits and housing.

1.6 Freedom of movement directives and regulations

EEA rules enable all nationals of EEA states (and their family members) to move freely around the area and settle in any other country in it: "freedom of movement".

The provisions are set out in European Directive 2004/38EC which consolidates previous provisions setting out the right of EEA nationals to freedom of movement and their rights to reside in the UK. This is called the **Citizenship Directive**. The rights set out in the Directive apply to all EEA nationals, including those from the A8 countries.

1.7 The right to enter the UK

EEA nationals and their family members have the right to enter the UK on production of valid identity documents, and they are not subject to immigration control. This applies to all EEA nationals including A8 nationals and will apply to A2 nationals. Once in the UK they then have the right to reside in the UK automatically for three months. This right to reside does not lead to eligibility for homelessness assistance or an allocation.

1.8 Work seeker

Work seekers (that is, people who are looking for work but who have not been economically active in the UK before) have the right to reside in the UK to look

for work. However, this right to reside does not lead to eligibility for homelessness assistance or an allocation. It may entitle the work seeker to IBJSA, subject to other rules for the benefit, including habitual residence.

1.9 Exclusion from the register

Section 160A Housing Act 1996 says that an allocation can only be made to someone who is eligible. The Act identifies two groups of people who are ineligible:

- S160A (3) People “subject to immigration control” as defined by the Asylum and Immigration Act 1996.

The Secretary of State can make regulations to allow certain groups of people in this category to be eligible for an allocation unless they are excluded from entitlement to Housing Benefit as a result of s115 Immigration and Asylum 1999 Act.

- S160A (5) other groups of people who are made ineligible for an allocation by Regulations (for example some British citizens, people with right of abode and EEA nationals are “not qualified” to be on the register).

Section 160A (6) provides that the requirement of eligibility does not apply where someone is already a secure or introductory tenant or has already been allocated an assured tenancy.

1.10 Housing Act 1996 part VI orders

The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 which came into force on 1st June 2006 govern who is eligible for an allocation. The Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) amended these.

1.11 Determining habitual residence

The habitual residence test is a test of the “centre of interest” of an applicant for services or benefits. Habitual residence needs an ‘appreciable period of time of actual settled residence’. This time varies with the facts of each case, but must show a ‘settled and viable pattern of living here as a resident’ “He must show residence in fact for a period, which shows that the residence has become “habitual” and, as I see it, will or is likely to continue to be habitual”. The requisite period is not a fixed period. It may be longer where there are doubts. It may be shortHH” A month can be HH an appreciable period of time”.

1.12 A8 and A2 nationals and housing

A8 nationals are EEA nationals, and like them may be subject or not subject to immigration control. Any A8 national who was granted Indefinite Leave to Remain before 1st May 2004 has a right to reside and is not subject to control, and so is eligible for housing if s/he can pass the habitual residence test.

Any A8 national who is working and not subject to the requirement to register is an EEA worker, and so has the right to reside and also does not have to

pass the habitual residence test to be eligible. A8 nationals who are registered workers and working have a right to reside and are exempted from the HRT. They can claim in-work benefits, such as housing benefit, council tax benefit, working tax credits etc. They are also to be able to go on the housing waiting register and apply as homeless. If they stop working within the first 12 months for a period of more than 30 days they will lose their right to reside and their rights to benefits and housing. If they start working again they can start their 12 months qualification time again. If they simply move from one job to another with no more than a 30 day gap then they will be able to count this as a continuous period.

Once they complete their 12 months continuous employment they will have the same rights as other EU workers, so for example, will retain their status as workers during periods of involuntary unemployment.

A8 nationals who are self employed are economically active EEA nationals and so exempt from the habitual residence test and have the right to reside. Other A8 nationals may establish the right to reside under other regulations or directives, but will generally have to be self supporting to do so.

A2 nationals have similar rights to A8 nationals. The self employed and workers who are working with authorisation or registration or who are exempt have a right to reside and so are eligible for housing purposes and do not have to pass the HRT. Other A2 nationals may establish the right to reside under other regulations or directives, but will generally have to be self supporting to do so.

Two treaties signed by most EEA countries and three others entitle nationals of the countries that have signed and ratified them to social and medical assistance in other member countries, as long as they are **legally present** and **habitually resident**. The relevant countries are **Turkey, Macedonia and Croatia**.

Appendix 6 Glossary of Terms

ALMO – Arms Length Management Organisation

An organisation set up by the Council to manage and improve all or part of its housing stock.

Bidding

Also known as ‘expressing an interest’ in an advertised property. There is no money involved in this form of ‘bidding’.

Common Allocation Policy

A shared policy which outlines how properties are advertised and let. This provides a consistent approach to letting property by all landlords involved in the CBL scheme.

Common Housing Register

A shared housing list of all applicants that have registered onto the scheme

Common Travel Area

A passport free zone. The area’s internal borders are subject to minimal or non-existent border controls.

Express an interest

To note an interest in an advertised property. Also known as ‘bidding’.

Northumberland Homefinder

The Brand name of the Northumberland Allocations Scheme.

LSVT – Large Scale Voluntary Transfer

The process by which a council transfers the ownership and management of its housing stock to a not-for-profit Registered Social Landlord.

Partner Landlords

The housing providers who form the Northumberland Homefinder partnership. Namely Berwick Borough Housing, Homes for Northumberland, Castle Morpeth Housing, Milecastle Housing, Wansbeck Homes and Northumberland County Council.

Priority Bands (Band P,1,2,3)

The four categories of housing need which make up the priority system. These are used to tell between and place in order housing register applications.

Priority date

The date when the applicant was given additional priority. This is a later date than the application registration date

Reasonable Preference Category

The phrase used in the Housing Act that describes housing need that should be given priority in a local authority's allocations policy

RSL – Registered Social Landlord

A housing association or housing company registered with the Homes and Communities Agency