



## Housing Committee

**Date:** Wednesday, 2 March 2022

**Time:** 6.00 p.m.

**Venue:** Floral Pavilion - New Brighton

Members of the public are encouraged to view the meeting via the webcast (see below), but for anyone who would like to attend in person, seating is limited therefore please contact us in advance of the meeting if you would like to reserve a seat. All those attending will be asked to wear a face covering (unless exempt) and are encouraged to take a Lateral Flow Test before attending. You should not attend if you have tested positive for Coronavirus or if you have any symptoms of Coronavirus.

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## AGENDA

1. WELCOME AND INTRODUCTION
2. APOLOGIES
3. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interests in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

#### **4. MINUTES (Pages 1 - 8)**

To approve the accuracy of the minutes held on 27 January 2022.

#### **5. PUBLIC AND MEMBER QUESTIONS**

##### **5.1 Public Questions**

Notice of questions to be given in writing or by email, by 12 noon, Friday 25 February 2022 to the Council's Monitoring Officer and to be dealt with in accordance with Standing Order 10.

For more information on how your personal information will be used, please see this link: [Document Data Protection Protocol](#)

Please telephone the Committee Services Officer if you have not received an acknowledgement of your question by the deadline for submission

##### **5.2 Statements and Petitions**

Notice of representations to be given in writing or by email, by 12 noon, Friday 25 February 2022 to the Council's Monitoring Officer and to be dealt with in accordance with Standing Order 11.1

Petitions may be presented to the Committee. The person presenting the petition will be allowed to address the meeting briefly (not exceeding one minute) to outline the aims of the petition. The Chair will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion, unless a relevant item appears elsewhere on the Agenda. Please give notice of petitions to [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk) in advance of the meeting.

Please telephone the Committee Services Officer if you have not received an acknowledgement of your statement/petition by the deadline for submission.

##### **5.3 Questions by Members**

Questions by Members to be dealt with in accordance with Standing Orders 12.3 to 12.8.

#### **SECTION A - KEY AND OTHER DECISIONS**

#### **6. LIVERPOOL CITY REGION TENANCY STRATEGY 2022-25 (Pages 9 - 60)**

#### **7. SOCIAL HOUSING ALLOCATIONS SCHEME (PROPERTY POOL PLUS) (Pages 61 - 192)**

8. TENDER FOR THE HOME ADAPTATIONS LIFTING SOLUTIONS CONTRACT (Pages 193 - 202)

**SECTION B - BUDGET AND PERFORMANCE MANAGEMENT**

9. HOUSING QUARTER 3 MONITOR (Pages 203 - 210)

**SECTION C - REVIEWS / REPORTS FOR INFORMATION**

10. WORK PROGRAMME UPDATE (Pages 211 - 218)

## **Housing Committee Terms of Reference**

The Housing Committee has responsibility for taking a strategic approach to the Council's various housing functions, including issues concerning social rented and affordable housing, homelessness, allocations and standards of housing.

The Committee is charged by full Council to undertake responsibility for:-

- (a) the Authority's role and functions in relation to strategic and private sector housing policies and as the housing authority, including but not limited to
  - (i) the Council's Housing Strategy;
  - (ii) homelessness and the allocation of housing;
  - (iii) private sector housing, including taking action to remedy overcrowding, disrepair, unfitness and statutory nuisances; to promote fire safety in private sector housing and the Council's functions in relation to houses in multiple occupation;
  - (iv) licensing schemes;
  - (v) tenancy relations and the provision of housing advice;
  - (vi) relationship with Registered Providers of housing;
  - (vii) housing loans and grants;
  - (viii) housing related support services; and
  - (ix) policies and actions with a view to reducing and eliminating street homelessness to ensure that appropriate action is taken;
- (b) analysis, development and overview of housing policies in terms of spatial planning to submit to the Economy, Regeneration and Development Committee to inform the Local Plan and planning policies;
- (c) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions; and
- (d) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to the above functions.

## HOUSING COMMITTEE

Thursday, 27 January 2022

<u>Present:</u>	Councillor	J McManus (Chair)	
	Councillors	A Brame H Cameron M Collins H Gorman I Lewis	P Martin J Robinson T Smith S Whittingham
<u>Apologies</u>	Councillor	B Berry (For Cllr A Gardner)	

### 26 **WELCOME AND INTRODUCTION**

The Chair welcomed Members of the Housing Committee, Officers and viewing members of the public to the meeting.

### 27 **APOLOGIES**

The Chair confirmed the apologies of Councillor Andrew Gardner, with Councillor Bruce Berry deputising.

### 28 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

No such declarations were made.

### 29 **MINUTES**

**Resolved – That the minutes of the Housing Committee held on 18 November 2021 be approved and adopted as a correct record.**

### 30 **PUBLIC QUESTIONS, STATEMENTS AND PETITIONS**

The Chair reported that no public questions had been received, nor were there any statements or petitions.

### 31 **QUESTIONS BY MEMBERS**

The Chair noted that Councillor Jo Bird had asked a number of questions relating to the Budget at the last meeting of Housing Committee and had been informed by the Director of Regeneration and Place that those answers would be answered in a briefing session that subsequently did not take place.

Councillor Bird had received answers in writing to her questions and had asked that these be shared with Members of the Committee and the public. Members agreed that these should be included within the minutes of this meeting. They can be found below:

**Question One: In the earmarked reserves, there is £26 million for Covid, could that Covid reserve be used to reduce the loan requirement, if it was not needed to draw down this year?**

Response:

The Statement of Accounts for 2020/21 show £26m in Covid reserves, which was funding received but not yet utilised at the end of that financial year. This funding was held in commitment against Covid pressures for 2021/22. Covid grants were made available for a range of matters, with individual grants having specific conditions attached to them. Some funding was provided to the Council in order that it could be passported on to third parties, for example local businesses, in addition funding was made available for the Council to utilise in its response to and the effects of the pandemic. Covid funding that has been made available to the Council (subject to the relevant funding conditions) could be utilised to minimise the current intention to borrow funds in the current year.

The capitalisation request for 21/22 was £10.7m, however the forecast from the most recent quarterly financial monitoring activity, which was reported to Policy & Resources committee on 10<sup>th</sup> November, indicated that borrowing of £7.2m would be required, a reduction of £3.5m.

A corporate pressure of £1m held for Homelessness has been alleviated and can now be used to reduce the requirement to access borrowing, as the service has received almost the equivalent value in grants that were not known about at the time of setting the budget and applying for a capitalisation directive.

A further £2m from the Contain Outbreak Management Fund (COMF) is expected to reduce the need for borrowing as this funding is eligible to be used to offset Covid pressures that were originally contributing to the position that required a request for a capitalisation directive. These covid pressures included a grants programme for social sector venues enabling them to safely remobilise, resources to support strategic recovery and additional staffing required to support the Covid response.

The remaining £0.5m reduction of the £3.5m total relates to the net favourable forecast across all Council directorates reported at quarter 2.

In case this assists I have also extracted below the Covid-19 reserve note from the draft Statement of Accounts 2020/21 which lists the individual covid reserves and provides some explanation as to their intended use:

### Covid-19 Reserves

Since the start of the Covid-19 pandemic various streams of funding have been received from Central Government to support various initiatives as part of the response and recovery. Some of these grants have not yet been full utilised and are therefore held in reserve to offset against related expenditure in 2021/22 as follows:

<b>Covid-19 Reserves</b>	<b>Balance at 31 March 2021 £000</b>
Covid-19 emergency fund	(11,879)
Public Health Test & Trace Contain Outbreak Management Fund	(9,469)
Hardship Fund	(2,139)
Test & Trace Service Support	(1,230)
Hospitality & Leisure Support Grant	(858)
Test & Trace Contain Outbreak Management Fund: Enforcement	(285)
Clinically Extremely Vulnerable (CEV)	(252)
LA Practical Support for Those Self-Isolating	(83)
Local Restriction Support Grants	(1)
<b>Total Covid Reserves:</b>	<b>(26,196)</b>

**Question Two: A figure has been put on for around £30 million with budget gap next year. Obviously every million pounds that can be saved or pressures not realised could reduce that £30 million so therefore affects the budget deficit for this committee and the decisions for the committee to make.**

**I noticed the budget paper, capital receipts are presented to be £3 million, but I've also heard £4.5 million. Why is there a difference?**

Response:

Capital receipts are dependent upon sites being able to be identified as surplus to requirements and disposed of with necessary approval as per governance arrangements. Figures are subject to fluctuation in respect of sites proposed, market expectations and timing of potential disposals. Recent revisions to potential capital receipts have stemmed from revised forecasts from the estates management team, plus all assets are being reviewed to determine what viable and beneficial options are available in line with the

recent CIPFA report to DLUHC which noted that the Council should look to rationalise its estate. It is possible this figure could change between now and budget setting.

**Question Three: Regarding Wirral Growth Company. Removal of one-off items saving of £1.38 million. I'm confused, is that a plus or a minus? Are we still counting income from Wirral Growth Company given the reports?**

Response:

The £1.38m was a one-off 2022/23 saving figure. This has been removed from assumptions in the 2022/23 budget process in line with the CIPFA recommendations that no income from the Growth Company be assumed in supporting the 2022/23 budget; instead, any income received will be held in reserve and then utilised accordingly to support regeneration activity.

**Question Four: A question about re-opening or rather closure of Europa fun pool. Does that pressure mean we can reopen or change that?**

Response:

The pre-budget report showed the Europa closure as a one-off item for 2021/22. Initial plans proposed to reinstate the 2021/22 budget in 2022/23, once the service had recovered from the impact of COVID, which is why it was noted as a pressure. In response to addressing the budget envelopes that have been set out for Directorates in drawing up budget proposals, consideration will be given as to what approach is to be adopted in respect of Europa fun pool.

**Question five: Why is there two lists of pressures?**

One item relates to 21/22 pressures that are assumed to be one-off and therefore help the budget position for 2022/23 when they are reversed out to recognise their temporary nature. The second item is the 22/23 budget pressures which were noted as needing to be funded from April onwards. Likewise, there were one-off savings in 2021/22 whose removal adds pressure to 2022/23. The summary table below illustrates the impact of these:

<b>Summary of Pre-Budget Setting Report Policy &amp; Resources</b>			
<b>25 October 2021</b>			
	<b>Pessimistic</b>	<b>Mid-Ground</b>	<b>Optimistic</b>
	<b>£ms</b>	<b>£ms</b>	<b>£ms</b>
Funding	-311.43	-323.01	-325.87
Initial 2022/23 Budget Requirement	329.4	329.4	329.4
2021/22 one off savings fall out	7.51	7.51	7.51

2021/22 pressures fall out	-14.06	-14.06	-14.06
<b>Budget Gap Before 2022/23 savings and pressures</b>	<b>11.42</b>	<b>-0.16</b>	<b>-3.02</b>
2022/23 Pressures	29.9	22.51	16.41
2022/23 Savings being considered	-10.48	-12.21	-13.93
<b>Revised Budget Gap</b>	<b>30.84</b>	<b>10.14</b>	<b>-0.54</b>

**Question Six: The single largest pressure is £6 million for Leisure and maybe it's possible that under further examination, those figure might not turn out to be so high?**

Response:

The £6 million was assumed to be a one-off pressure relating to the impact of Covid of leisure activity in 2021/22. As above, this has been removed for 2022/23, as it was considered temporary, and this removal aids the 2022/23 position. Directorates are currently working on revising budget forecasts and producing budget options to enable them to remain within the 'budget envelope' provided. Once the budget position forecast is refreshed it is possible that figures in respect of pressures will be amended.

No further question were submitted by Members of the Committee.

## 32 2022/23 BUDGET UPDATE

The Head of Legal Services introduced the report of the Director of Law and Governance which provided for consideration the recommendations of the Policy and Resources Committee in respect of the 2022/23 Budget Update.

The proposals outlined were part of a draft budget and were therefore not without prejudice, and it was for the Committee to focus on these specific proposals, any comments on which would be fed back to the Policy and Resources Committee. The two proposals relevant to this Committee were: 'Cease Financial Contribution for the provision of Community Alarms and Response Calls, saving £200k In 2022/23 and £100k in 2023/24'; and, 'Reconfiguration of Commissioned Homeless Accommodation, saving £115k in 2022/23 and £37k in 2023/24'.

Members questioned some of the details of the two savings proposals in the report which established:

- That other funding and services provided by other directorates would alleviate the proposal to cease grant funding for Community Alarms.

- That Wirral Council was one of a small few of local authorities that still provided funding for this service in England.
- Funding for Community Alarms was effectively a subsidy to services being provided by the Social Landlords that are not eligible for Housing Benefits; and that those living in other accommodation setting such as Owner Occupiers and Private Tenants, did not receive this subsidy towards similar services and would be required to pay themselves regardless of incomes. Social Landlords would be required to either pass on the charges to the individual as an additional service charge or could choose to absorb the cost themselves. That the proposed reconfiguration of commissioned homeless accommodation services would still allow access to the accommodation for those who are homeless as part of the homeless pathway process.
- Additional Government Grant Funding of £161k p.a has also been secured until 2024, to strengthen existing services for homeless people allowing enhancement in some schemes.
- That access to the current service offered to homeless people would not be reduced as a result of the savings.

**Resolved – That:**

**(1) the 2022/23 draft budget proposals be noted.**

**(2) the relevant director with portfolio be authorised to take the necessary action to consult on any proposals that require additional consultation and take necessary action to deliver the resulting service changes in consultation with the Chair and Group Spokesperson or reporting to the Housing Committee as the Director considers appropriate.**

**33 WORK PROGRAMME UPDATE**

Members gave consideration to a report of the Director of Regeneration and Place that set out the proposed Housing Committee Work Programme 2021/22 as detailed in the appendix to the report.

The report advised that the Housing Committee, in co-operation with the other Policy and Service Committees, was responsible for proposing and delivering an annual committee work programme. This work programme should align with the corporate priorities of the Council, in particular the delivery of the key decisions which were within the remit of the Committee.

The report provided the Committee with an opportunity to plan and regularly review its work across the municipal year.

Members noted that within the next municipal year the number of individual committees was likely to be reduced and Housing Committee was likely to be subsumed within another committee. They raised concerns that subjects that Housing Committee have raised may not be picked up in future and sought reassurance that these issues would be included within the agenda of the Policy and Service committee that was tasked to monitor the Housing Service.

On a motion from the Chair and seconded by Councillor Ian Lewis it was:

**Resolved – That:**

**(1) the Housing Committee Work Programme for the remainder of the 2021/22 municipal year be noted, and;**

**(2) a recommendation be made to the Constitution and Standards Committee that a Housing Sub-Committee be set-up under the Policy and Services Committee that takes on the Housing Committee's terms of reference in the next municipal year.**

**34 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

On a motion by the Chair, seconded by Councillor S Whittingham, it was –

**Resolved - That under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.**

**35 EXEMPT APPENDIX - 2022/23 BUDGET UPDATE**

**Resolved – That the exempt appendix to the 2022/23 Budget Update Report, be noted.**

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## HOUSING COMMITTEE

Wednesday, 2 March 2022

<b>REPORT TITLE:</b>	<b>LIVERPOOL CITY REGION TENANCY STRATEGY 2022-25</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF REGENERATION AND PLACE</b>

### REPORT SUMMARY

This report seeks approval from Members for the Liverpool City Region Tenancy Strategy 2022-25. The Tenancy Strategy, if approved, would support at least two aims of the Wirral Plan 2021-26:

- Deliver quality, affordable and sustainable homes; and
- Prevent and relieve homelessness.

This matter affects all Wards.

This matter is a Key Decision as it affects all 23,500 households occupying housing owned by Registered Provider of Social Housing, representing around 15% of all Wirral households.

### RECOMMENDATIONS

The Housing Committee is recommended to approve the Liverpool City Region Tenancy Strategy 2022-25 set out at Appendix One to this report, subject to the unanimous agreement of each Liverpool City Region Local Authority through their corresponding approval processes.

It is also recommended that should any minor amendments be required to the Strategy as a result of these approval processes, the Director of Regeneration & Place is given delegated authority to approve these amendments on behalf of Wirral Council.

## **SUPPORTING INFORMATION**

### **1.0 REASONS FOR RECOMMENDATIONS**

- 1.1 Wirral Council is required to have a Tenancy Strategy under the Localism Act 2011 and as such Cabinet approved the Council's first Tenancy Strategy in June 2013.
- 1.2 The Tenancy Strategy incorporates matters which registered providers of social housing must have regard to when formulating their policies on tenancies, including for example the kinds of tenancies that they grant; the circumstances in which they grant certain tenancies; the length of time that they will grant tenancies and in which circumstances they will grant further tenancies once an existing tenancy has come to an end.
- 1.3 There is a need to regularly review the Strategy and in 2016, as all Liverpool City Region local authorities were ready to review the strategy at the same time, it was agreed to produce a single Tenancy Strategy for the sub-region. Registered Providers of social housing (RPs) are required to have regard to local authority Tenancy Strategies when producing their own Tenancy Policies and as many RPs have housing stock in more than one local authority, it is sensible to reduce the number of Strategies they need to refer to. The first joint Liverpool City Region Tenancy Strategy was approved by Wirral Council's Cabinet in October 2016.
- 1.4 A review process commenced across the Liverpool City Region in 2021 to ensure the Tenancy Strategy was fit-for-purpose. The review found the core requirements of the Strategy still relevant and required and these therefore remain unchanged. The changes to the updated Strategy focus on the local and national political background and more recent local data which supports the continuation of the Strategy's core requirements.
- 1.5 The Strategy has been informed and developed through consultation with all Liverpool City Region local authorities, the Sub-Regional Property Pool Plus Steering Group and all Registered Providers of social housing with stock in the Liverpool City Region.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 It is a statutory duty for local authorities to publish a Tenancy Strategy under the Localism Act 2011. The Act also states that a local housing authority must keep its Tenancy Strategy under review and may modify or replace it from time to time. Not reviewing and modifying the Strategy was therefore not considered.
- 2.2 Wirral Council could revert to a Tenancy Strategy covering the Wirral local authority area only. This was dismissed as many RPs have housing stock across the Liverpool City Region as well as the Strategy's core objectives suiting the needs of all six local authorities and there being greater collaboration in recent years on housing matters, particularly since the formation of the Liverpool City Region

Combined Authority. It therefore made sense to continue with a single Strategy for the City Region.

### **3.0 BACKGROUND INFORMATION**

#### **3.1 The Localism Act 2011**

3.1.1 The Localism Act 2011 gave new flexibilities and powers to Registered Providers (RP) of social housing, including the option to use flexible tenancies. RPs were given the ability to offer different kinds of tenancies to respond to the particular needs of their communities to ensure that social housing is focussed on providing homes for those in genuine need. The Localism Act placed a duty on all Local Authorities to publish a Tenancy Strategy setting out how they would like RPs to make use of these flexibilities to respond to local needs.

#### **3.2 Liverpool City Region collaboration**

3.2.1 Local Authorities within the Liverpool City Region individually published their first Tenancy Strategies during 2012 and 2013 with all due to be reviewed during 2016. Given the similarities between the existing strategies, the City Region Local Authorities agreed to collaborate and produce one joint Tenancy Strategy in 2016, particularly as there are currently over 100 Registered Providers managing in excess of 150,000 properties within the City Region, many of which operate across Local Authority boundaries. As such, the adoption of the joint Tenancy Strategy has been beneficial in providing a consistent approach to help support RPs in preparing their Tenancy Policies. The 2022 Strategy is continuing with this approach.

#### **3.3 Registered Providers of Social Housing**

3.3.1 Registered Providers of social housing are expected to have due regard to the principles set out in Local Authorities Tenancy Strategies when formulating policies that govern how they will implement and utilise fixed-term tenancies and it is important that they are able to follow a consistent set of principles, which one Liverpool City Region Tenancy Strategy will provide.

#### **3.4 Consultation**

3.4.1 The Consultation process was focussed on a survey from December 2021 to January 2022 with RPs operating within the City Region. Analysis identified that, of those 16 RPs that responded to the survey, five had issued a total of 1,090 fixed-term tenancies across three financial years 2018-19, 2019-20 and 2020-21. The reasons for their use include:

- Being required for Rent to Buy properties;
- Large family homes to prevent future under-occupation;
- Properties that have been specifically designed or adapted for use by disabled persons;
- Property types that are identified as in short supply;
- Properties in particularly high demand areas; and

- Making better use of existing stock.

3.4.2 The breakdown by local authority of the 1,090 fixed-term tenancies issued is as follows:

- Halton – 11%
- Knowsley – 28%
- Liverpool – 29%
- St Helens – 16%
- Sefton – 9%
- Wirral – 7%

3.4.3 The use of fixed-term tenancies has increased across the City Region since the last survey of RPs on the matter in 2014. At that point, and since the introduction of fixed term tenancies in 2011, only 63 had been issued. RPs are clearly making use of them more to manage their stock but with the majority of RPs still favouring lifetime tenancies which cover the vast majority of new tenancies issued each year.

3.4.4 All RPs responding were in favour of the proposed Liverpool City Region Tenancy Strategy and had no concerns to raise.

### 3.5 **Liverpool City Region Tenancy Strategy 2022-25**

3.5.1 The proposed Liverpool City Region Tenancy Strategy continues an approach of maintaining a presumption in favour of lifetime tenancies. Social housing is often located in some of the more deprived parts of the City Region and reducing security of tenure in these areas is likely to impact on the longer-term aspiration of creating sustainable communities. The proposed Strategy also continues to recognise that there may be circumstances where the use of fixed-term tenancies will provide an opportunity for RPs to make best use of their housing stock. It sets out the criteria RPs should consider in determining the appropriate form of tenancy for tenants and the situations where the use of fixed-term tenancies will not be suitable. Fixed-term tenancies will not be suitable:

- Where the household is transferring from an existing Registered Provider assured or Local Authority secure tenancy which was granted prior to 1st April 2012. This is to ensure that there are no disincentives for existing tenants to move to a more suitable or desirable property and there are no barriers to normal “churn” within the sector;
- Tenants with a lifelong need for support that would disadvantage them in securing alternative accommodation should be offered lifetime tenancies. This applies to tenants in both general needs and specialist and/or supported accommodation;
- Where the tenant is someone over the prevailing state retirement age or where the tenant is residing in older persons accommodation, such as sheltered or “extra care” housing;
- Where the property is located in an area of very low demand and/or high multiple deprivation and where the Local Authority has serious concerns about

the long-term sustainability of the area, unless the Registered Provider can demonstrate that the use of fixed-term tenancies would assist with creating and maintaining the balance in such areas. In these circumstances the Local Authority will initiate discussions with the relevant Registered Provider(s) to request that they temporarily suspend the use of fixed-term tenancies in that area or specify how fixed-term tenancies would assist with creating and maintaining balance; and

- Where a tenant with a secure or assured tenancy is required by a Registered Provider to move due to redevelopment e.g. they are being required to move; not seeking to do so.

3.5.2 The proposed Strategy retains the expectation that fixed-term tenancies will normally be granted for a minimum of five years and then reviewed accordingly. In situations where a decision has been taken by an RP not to renew a tenancy at the end of a fixed-term, the Strategy sets out that the RP should seek to engage with the tenant at the earliest possible convenience to make them aware of the RP's intentions. The Strategy further states that RPs should provide households affected by the termination of a tenancy with any relevant advice and support that will assist them in successfully relocating to alternative accommodation. This could include:

- Advice on low-cost home ownership options and other alternative affordable housing tenures;
- Specialist housing and/or welfare related advice and/or signposting to appropriate services; and
- Advice on renting in the private rented sector and assistance in identifying and securing a suitable property (this may involve assistance with a deposit where necessary)

3.5.3 An updated detailed analysis of housing market trends across the City Region has been undertaken, with a summary provided as an appendix to the Strategy. This identifies that demand for social and affordable housing continues to be high across the City Region. Taking this into account along with the impact of Government welfare and housing reforms over the past decade, it does not identify any trends which would prompt a change of policy direction from that of the 2016 Tenancy Strategy. The evidence for increased demand places an even greater emphasis on the requirement to ensure that local authorities and RPs support the effective use of homes to ensure that they are matched to people who need them, for example homes with adaptations.

## 3.6 **Decision Making Process**

3.6.1 The Strategy was the subject of a report to the Housing and Spatial Planning Board in July 2021 who supported a collaboration between the local authorities for the production of a LCR tenancy strategy with the LCR Housing and Spatial Planning Officers Group having oversight of the production and engagement with key partners. The proposed Strategy is now being recommended for endorsement and adoption by each Liverpool City Region Local Authority through their own governance arrangements which is currently being undertaken, with a view to launching the revised City Region Tenancy Strategy by late summer 2022.

3.6.2 Subject to approval, the Strategy will be reviewed annually and a yearly update reported to the Housing and Spatial Planning Officers Group for oversight.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no direct financial implications for Members to consider.

#### **5.0 LEGAL IMPLICATIONS**

5.1 The development of a Tenancy Strategy was a statutory requirement of the Localism Act 2011 and had to be published by 2013. The Act also states that a local housing authority must keep its Tenancy Strategy under review and may modify or replace it from time to time.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 There are no ICT or Asset resource implications.

6.2 The collaborative process of producing and reviewing the joint strategy sits with staff in the Housing Division, with local authorities of the Liverpool City Region taking turns in leading on reviews and new Strategies. Halton Council has led on the 2022-26 Strategy formation, with staff at Wirral Council leading on an annual review in 2020.

#### **7.0 RELEVANT RISKS**

7.1 The Tenancy Strategy needs to be clear about the issues which RPs should have regard to when setting their Tenancy Policies. Should it not do so, there is a risk that it could lead to unbalanced and unsustainable communities, without the protection needed for households that the local authority views as being vulnerable and more suited to lifetime tenancies.

#### **8.0 ENGAGEMENT/CONSULTATION**

8.1 The engagement and consultation process has been set out in full in section 3.4.

#### **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision, or activity.

9.2 Halton Council, as local authority co-ordinator for this version of the Tenancy Strategy, has completed an Equality Impact Assessment which has been reviewed and agreed by Wirral Council officers. This can be viewed in the Appendix containing the Strategy. There are no negative impacts on any of the equality groups.

#### **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 The content and recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

## 11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The Strategy sets out how fixed term tenancies can be used to create balanced, settled and sustainable communities, which can particularly enable people with vulnerabilities to thrive and offer stability for employment.

**REPORT AUTHOR:** **Ed Kingsley**  
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## APPENDICES

Appendix 1 – Liverpool City Region Tenancy Strategy 2022-25

## BACKGROUND PAPERS

1. *Localism Act 2011, Part 7, Chapter 2, Sections 150-153, [www.legislation.gov.uk](http://www.legislation.gov.uk)*

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	Not applicable

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# **Liverpool City Region Tenancy Strategy 2022 - 2025**

**Final Draft**

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## Policy Summary

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## Policy

### 1. Introduction

The Localism Act of 2011 introduced a requirement for Local Housing Authorities across England to prepare and publish a Tenancy Strategy. The legal purpose of a Tenancy Strategy is to help shape the tenancy policies of Registered Providers of affordable housing who operate within a Local Authority's district.

The Localism Act included new flexibilities and powers to Registered Providers of Social Housing and the option to use Flexible Tenancies. In accordance with the legal requirements, the Tenancy Strategy sets out the flexibilities, for which Registered Providers of Social Housing will have regard to when formulating Tenancy Policies in relation to:

- The kind of tenancies they grant
- The circumstances in which they grant different kinds of tenancies
- Where they grant Flexible Tenancies and the length of terms, **and**
- The circumstances in which they will grant a further tenancy on the termination of the existing tenancy

Each Local Authority within the City Region, individually published their first Tenancy Strategy during 2012. As part of a strategic approach, it was agreed to conduct a single review on a partnership basis, with the City Region Local Authorities, working together and produced a shared Tenancy Strategy for 2016-2019.

The revised 2022 Tenancy Strategy updated the context for using flexible tenancies. However the guidance setting out how they should be used within the City Region remained the same, and it was agreed that a full strategic review would be completed in 2021.

There are currently over 100 Registered Providers managing more than 150,000 properties across the Liverpool City Region, with many having a presence in multiple Local Authority areas. A shared Tenancy Strategy provides a consistent approach that will guide Registered Providers in preparing their Tenancy Policies. Registered Providers are expected to have due regard to the principles set out in this Tenancy Strategy when formulating the policies that will govern how they will implement and utilise fixed-term tenancies.

This updated strategy sets out the City Region's position for 2022 onwards. It provides the basis for action, also, giving a steer to Registered Providers who are legally required to 'have regard to' the Tenancy Strategy but are not bound by it when drawing up their own policies.

The City Region's Tenancy Strategy should be considered alongside each Local Authority`

- **The Housing Investment Strategy**
- **Housing Strategy**
- **The Homelessness and Rough Sleeping Strategy**
- **Property Pool Plus and Under one Roof Allocation Scheme rules**

All of which can be found on each of the individual City Region Local Authority websites. They provide greater detail in relation to the housing priorities of the City Region and the portfolio of its Registered Provider Partners, the housing need requirements and allocation/nomination arrangements.

## 2. National Context

There have been many changes in the national housing Landscape since the City Region joint Tenancy Strategy was published in 2016. The regulatory framework for social housing in England is made up of:

- **Regulatory Requirements** What registered providers of social housing need to comply with
- **Codes of Practice** A code of practice can amplify any economic standard to assist registered providers in understanding how compliance might be achieved
- **Regulatory Guidance** This provides further explanatory information on the regulatory requirements and includes how the regulator will carry out its role of regulating the requirements.

All legal requirements have been included within the Tenancy Strategy Review and will influence future procedural practice.

## 3. National Housing Strategy

The last National Housing Strategy published by the Government was *laying the Foundations: A Housing Strategy for England (2011)*. It set out a range of objectives for housing, including the Government's view on the role and future direction of the social housing sector:

**Social housing can improve people's life chances, providing support at a time when they need it, for as long as they need it. It also supports mixed sustainable communities and local economies. But the system is not working: waiting lists have grown excessively; social housing is used inefficiently; and many tenants are not provided with the right incentives to take up work.**

The Government introduced a programme of reform through the Localism Act 2011, which made changes to the way people accessed social housing, the types of tenancies that are provided and the way homeless duty is discharged.

Registered Providers were given the option to grant different kinds of tenancies to respond to the needs of their communities, in order to:

<b>Increase Mobility</b>	By encouraging tenants to move between properties and sectors as their housing needs change
<b>Ensure that social housing only used for those in Genuine Need</b>	By moving people earning a higher wage into other forms of tenure
<b>Target Social Housing so it meets the needs of the Community</b>	For example, by addressing the under-occupation of larger family accommodation; and
<b>Promote Localism</b>	Through local decision making at a Community Level

#### 4. Welfare Benefit Reform

Further reforms were introduced by the Welfare Reform and Work Act 2016, including the reduction in Social Housing rents by 1% per annum for four years from April 2016. These measures affected Registered Provider budgets and impacted on the overall number and level of investment in homes available for social and affordable rent. Since April 2020, social housing rents have been allowed to increase again by up to CPI+1%, which will hopefully improve the ability for Registered Providers to invest in new and existing stock.

Universal Credit is widely accepted as the most important social security reform for thirty years. It brings together most of the means-tested benefits and tax credits for people of working age and has dominated policy-making for five years. Universal Credit has been rolled across the whole of the United Kingdom and is now the primary state benefit.

There have also been a number of Universal Credit administrative issues for Social Landlords and their tenants to adapt, which include;

- Housing Benefit reductions for tenants of working age who are under-occupying their property.
- Extension of the shared room rate, applied to most single people under the age of 35
- Introduction of a benefit cap of £26,000 per year.
- Reduction in benefits when someone claiming benefit has another adult living with them, who is not their spouse or partner.
- A default position that tenants are responsible for paying their own rent from their monthly UC payment, differing from housing benefit which was usually paid directly to their landlord.
- Tenants now have an individual responsibility for reporting all changes directly to the Department of Working Pensions (DWP), including rent increases.

The impact of these requirements regarding affordability, rent arrears, or on social landlords' income collection, particularly following yearly rent increases, will be monitored.

In 2012 there was an overriding government view that social housing tenants should not benefit from greater tenancy security than tenants in the private sector, thereby, introducing the use of discretionary fixed-term tenancies for Social Housing Landlords.

In the summer 2015 Budget, the Government announced an extension of the Right to Buy scheme to Registered Provider tenants. The National Housing Federation (NHF) advocated for and subsequently agreed a voluntary arrangement with Registered Providers to receive compensation for the discount offered to the tenant.

The overall future impact of the introduction of the Right to Buy scheme for Registered Providers is not fully known at this stage, particularly on one of the main critical pillars of the original agreement: guaranteeing that there will be no overall loss of affordable housing, by ensuring that for every home sold another affordable home is built.

## 5. Voluntary Right to Buy

The **Housing and Planning Act 2016**, underpins this voluntary agreement with the NHF. An initial pilot was carried out in 2016, and a second pilot launched in the Midlands in summer 2018.

The **Voluntary Right to Buy** (VRTB) Midlands's pilot was launched across the East and West Midlands – giving Housing Association tenants the opportunity to apply to buy their home at a discount. There were 44 Housing Associations involved in the pilot, resulting in a total of 1,892 homes being sold or sales in the final stages of completion by 30 April 2020. The analysis suggests;

- **87%** of replacement homes would be rented homes
- **13%** being shared ownership homes
- It is unclear whether the housing associations surveyed were planning to replace only **75%** of homes sold (which might happen if the sales receipts are insufficient to fund the costs of building new homes,
- *Rented housing being 58% Affordable Rent and 42% social rented*
- RTB discounts increase annually in line with CPI, the maximum discount for the pilot was in line with the maximum for 2018/19.
- The current maximums (from April 2020) are £112,300 in London and £84,200 in the rest of England.

### Additionality

It is the government's intention that homes built to replace those sold under the VRTB should be additional to those that would have been built anyway. However, it is unclear on what is permitted or how to prove Additionality, with further work needed to consider;

- The extent to which Housing Associations are putting in their own resources in order to fund one for one replacements

- The extent to which S106 planning obligations are being used to provide effective cross-subsidy for replacement homes, which is allowable in exceptional circumstances if Additionality can be demonstrated.
- Whether Housing Associations build new homes, buy new homes or buy second-hand homes to replace those sold – buying homes is effective in replacing the number of social homes sold, but does not add to the total housing stock.

### Replacement homes

- *The receipts from sales may be insufficient to fully fund replacement stock, and most Housing Associations are likely to use some of their own resources on the replacement housing.*
- *While most Housing Associations in the pilot would prefer like for like replacement, the mix of homes is likely to include a mix of tenures (shared ownership, affordable rent and social rent).*
- *Most Housing Associations are looking to develop replacement properties themselves and planning to develop them in the pilot area, although land availability for sites is limited, and smaller associations who mostly cover urban or expensive areas may struggle to replace homes in their operational area.*
- Out of 305,718 properties included in the VRTB pilot, there were 188,989 eligible tenants.
- Had demand not been constrained, an estimated **2,884** would have purchased their home as part of the pilot. These purchasers would have represented:
  - 1.5% of eligible tenants**
  - 0.9% of all Housing Association tenants in the Midlands**

**Overall, the VRTB pilot cost Housing Associations an average of £20,685 per organisation in setup costs, and costs a total of £2,151 per sale. After deducting the £2,000 administration fee reimbursed by MHCLG, this administrative cost falls to £151 per sale.**

### Challenges

Operationally, portability has been one of the most challenging aspects of the VRTB for Housing Associations. The scale at which most Housing Associations operate, means that it is often very hard to identify many (if any) suitable properties for applicants to move to. Fundamentally, the majority of tenants applying for the VRTB want to buy their current home and are not willing to take the discount to another property. This suggests that motivation for many to apply for the VRTB comes most of all from a desire to own their current home, rather than a desire for a discount, or a more affordable route to homeownership.

One for one replacement homes sold is also a challenging aspect of the VRTB. Homes sold in the pilot had an average market value of £137,271. Even if the build costs of new homes are lower than the market price, the total costs of building replacement homes is likely to be close to the market value of these homes. The expected market price will be reflected in the price that Housing Associations will have to pay for land with (or likely to obtain) planning permission for housing. The gap between these prices highlights the extent of the challenge in obtaining one for one replacements overall.

The analysis of the value for money of the VRTB shows that the main financial costs of the VRTB are costs covered by Ministry of Housing Communities and Local Government, in reimbursing Housing Associations the value of the discount. The main financial beneficiaries are the buyers, and those who inherit from them. In economic terms, the discounts are a transfer, so the Net Profit Social Value of the pilot over 10 years is positive, with a Benefit Costs Ratio of 1.28%. Economic benefits from land value uplift arising from the replacement homes that are built, form a major part of this, and the value of the additional homes.

### **Benefits to People Moving into Social Housing**

Turnover rates in social housing are around 7.3% a year, which, means that existing tenants remain, on average for more than 10 years in their home. There is the potential for the VRTB to increase the number of available lettings available in the medium term. If the replacement home is built and available for letting after only 3 years, whereas, on average, the home sold would only have become available for letting after a longer period of time, then there will be an increase in available lettings.

**Non-public sector benefits: £212.5m**  
Minus Non-public sector costs: £42.4m  
Divided by Net public sector costs: £120.0m  
Equals 1.42m

This suggests that the VRTB gives a positive economic return of £1.42 for every £1 of public money spent, over a 10 year period of taking part. The VRTB pilot has operated successfully throughout the Midlands, resulting in all 44 large Housing Associations with stock having at least one sale.

Housing Associations overall felt well-supported by the government and the NHF in taking part in the pilot and felt that a lot of useful operational lessons were learned from the process

The report on the second pilot gives a clearer indication, with the propensity to buy calculated for each region, enabling estimates to be made to outline demand for a similar time limited VRTB scheme, where demand is not constrained. (See appendix 1)

The Homes England **Shared Ownership and Affordable Homes Programme 2016-2021**, made £4.74 billion of grant available nationally to deliver shared ownership homes via the Help to Buy scheme and rental homes through the Rent to Buy scheme which enables working households to rent a home at Intermediate Rent, providing an opportunity to save for a deposit to buy their first home.

It also focused on the provision of specialist homes for older, disabled and vulnerable people. Homes developed through this programme are now nearing completion and replaced by Homes England's Affordable Homes Programme 2021-2026, worth £7.39 billion over the five years, covering more of the same tenure types as under the 2016-2021 Programme. It is important to note the new Right to Shared Ownership, which will give the vast majority of tenants living in new rented homes funded and delivered through the

Affordable Homes Programme 2021-26, the opportunity to purchase a stake in their home and then purchase further shares when they can afford to do so, potentially leading to a further reduction in supply of RP housing for rent.

The Housing and Planning Act 2016, was enacted with the intention of phasing out the award of lifetime tenancies. Social Landlords were only to be offered fixed-term tenancies, with the proviso that landlords could offer tenancies up to the 19<sup>th</sup> birthday of the youngest occupant. This would have affected new and existing tenants who moved home (with a few exceptions) however, these provisions were not implemented and the National climate regarding Social Housing changed dramatically following the fire at Grenfell Tower in 2017.

In the Social Housing Green Paper – **A New Deal for Social Housing 2018**, the Government stated it would not implement compulsory fixed-term tenancies; however, within the Private Rented sector there have been moves to require landlords to offer longer tenancies and to remove “no fault” evictions.

The Social Housing White Paper – **The Charter for Social Housing Residents 2020**, sets out what every Social Housing resident should be able to expect in relation to safety, landlord performance, complaints, being treated with respect, having their voice heard, the quality of their home and neighbourhood, and access to home ownership.

The **Secure Tenancies (Victims of Domestic Abuse) Act 2018**, recognised that where a secure (lifetime) tenant was offered a new tenancy, when moving due to domestic abuse, they should retain their existing security of tenure and not be offered a fixed-term tenancy.

## 6. Objectives

This strategy will contribute towards the overarching objectives defined within the Liverpool City Region Housing Investment Strategy 2020. The Strategic Investment Priorities are:

<b>Improve</b>	The condition and energy efficiency of our existing housing stock through retrofit programmes with the priority being neighbourhoods with poorest quality housing stock or deprived as measured by indices of multiple deprivation
<b>Diversify</b>	Improve and redesign existing housing stock in areas of low demand
<b>Make</b>	The best use of empty homes or stock that is in low demand
<b>Improve</b>	The quality of neighbourhoods where data suggests market vulnerability through improving housing quality and choice

The Tenancy Strategy will place emphasis upon:

- **Provide smarter housing services**
- **Highly valued by our communities**
- **Delivered by people inspired to achieve**

All of these reforms and those that have recently been subject to consultation, will continue to be monitored to fully understand their impact on local housing markets and residents across the City Region. This will inform future changes to the Tenancy Strategy and enable service responses to remain appropriate and relevant to changing circumstances.

In addition to Government policy changes, the Covid-19 pandemic has placed additional pressures on demand for social housing, particularly as a result of the “Everyone In” campaign aimed at ensuring all rough sleepers had an offer of accommodation during the pandemic and also the lack of movement within both the private and rented housing sector.

The housing market has seen many changes, however, demand for accommodation remains high. Increased House prices are contributable to a substantial rise in private landlords selling their properties, which resulted in a rise in possession notices being served, placing additional pressure upon all housing providers

Buyer demand has increased at significant levels. At the same time, supply hit an all-time low. This has caused house prices to increase substantially throughout the past 12 months. The housing market is on course to have its busiest year since the financial crisis,

<b>UK average house prices</b>	Increased by 8.0% over the year to July 2021, down from 13.1% in June 2021.
<b>The average UK house price</b>	Was £256,000 in July 2021, which is £19,000 higher than this time last year, following the record high of £265,000 in June 2021.
<b>Average house prices</b>	Increased over the year in England to £271,000 (7%), in Wales to £188,000 (11.6%), in Scotland to £177,000 (14.6%) and in Northern Ireland to £153,000 (9.0%).

It will also become apparent whether the pandemic will continue to have an impact upon demand for social housing, due to rising levels of unemployment and the negative impact upon businesses. If it continues to rise, there will undoubtedly be increases in the number of households seeking social housing and support services.

**The objective aim of the Tenancy Strategy is to contribute to the continuation of mixed and balanced communities and prevent unnecessary upheaval.**

## 7. City Region Context

The City Region has a population of 1.5million people and an economy worth over £20 billion. It benefits from an internationally recognised city, major employment sites and significant global companies, as well as leading Universities and research institutions. The City Region Combined Authority was established in April 2014 to lead on strategic decision making, with a vision for the City Region to be:

**A globally connected City Region delivering sustainable growth, opportunity and prosperity for people and businesses**

A devolution Agreement between the Government and Leaders of the City Region was approved in November 2015, to devolve powers and responsibilities to the City Region Combined Authority and for a new directly elected mayor for the Liverpool City Region.

The directly elected mayor acts as a Chair to the City Region Combined Authority and exercises powers and functions devolved from Central Government, including powers over strategic planning to help accelerate economic growth and new housing developments. Further devolution was agreed in March 2016, which included a commitment for the City Region to continue to work with Government or examine how national policies and finds can be best utilised to promote home ownership and housing supply in the context of the City Region's Housing Market. Projects to utilise devolved funds to take these aims forward are currently being developed and include the Brownfield Land Fund and Strategic Housing Infrastructure Land Fund.

The City Region Housing Strategy was first completed in 2007, and the current iteration is the Housing Investment Strategy 2020. The Strategic aim is to provide a framework for future housing investment to support regeneration and economic growth across the City Region.

Providing the right mix of affordable private and social rented homes is integral to attracting people to the City Region, retaining those residents who already live here and meeting the housing needs of older and vulnerable residents. The City Region Housing Investment Strategy is clear that having the right housing offer is key to the development of sustainable communities and crucial for the long-term growth of the City Region.

Rebalancing our housing offer also needs to include widening the range and quality of social housing provision to meet increasing need. Evidence shows that the City Region has need to social housing across all sizes but with a particular emphasis on 1-bed and larger 4-bed social rent homes. This supply and demand imbalance reflect several issues, not least the impact of welfare reform (and how this has influenced affordable housing programmes) and

demographic change. Addressing this imbalance is a key priority for us and will help meet wider objectives.

The City Region Local Authorities are keen to ensure that social housing continues to play a positive role in contributing to the social and economic position of the City Region as a whole. With the City Region Tenancy Strategy playing an important part in this, along with other key joint housing policies including the City Region Housing Allocation Policy which builds upon individual Local Authorities' strategies such as Homelessness and Rough Sleeper Strategies, Corporate Plans, Housing Strategies, all of which are informed by Strategic Housing Market Assessment (SHMA) which establishes the future need for different types of housing within their area. The City Region Tenancy Strategy has been developed within the context of these documents.

## 8. The Strategy

The City Region expects all Social Housing Providers to produce a Tenancy Policy, which addresses the strategic requirements detailed within the Liverpool City Region Tenancy Strategy.

The City Region Local Authorities welcome the flexibility for Registered Providers to determine the length of tenancy they will offer to new tenants. This provides the opportunity to encourage the best use of limited affordable housing stock. However, the City Region Local Authorities are keen to ensure that these flexibilities are applied in a manner that does not undermine social investment in communities, and ensures that the most vulnerable tenants are provided with the level of stability they require.

## 9. Tenancy Types

### Security of Tenure and "Lifetime Tenancies"

Long-term security was introduced for most social housing tenants by the Housing Act 1980. The Housing Act 1988 subsequently introduced the assured tenancy regime for Housing Associations. This regime has applied to most new housing association tenancies created since 15<sup>th</sup> January 1989.

The City Region's position on secure/assured tenancies, echoes that stated by the Government in 'A New Deal for Social Housing 2018' in the following extract:

*Many residents spoke about the benefits of security in their tenancies, saying that they created strong, supportive communities and particularly enabled people with vulnerabilities to thrive. Some felt that residents were more likely to look after their property, their neighbours, and the community if they had a lifetime tenancy. While some people thought it was right that residents should move out of social housing if they no longer needed it given the pressures on housing, many also had concerns about the uncertainty when fixed term tenancies came to an end and the impact this could have on their families and communities.*

The City Region Local Authorities recognise the immense and security that lifetime tenancies provide for residents and communities. Consultation when developing our first Tenancy Strategy in 2012 also found potential problems with implementing flexible tenancies in areas such as:

- Lengthy administration in reviewing tenancies when approaching the end of their term
- The risk of challenge to decisions to end a tenancy
- Greater risk of voids in between lets
- Residualisation of estates – Services to the area are underutilised and economically inefficient

The City Region position is therefore that secure or assured, lifetime tenancies are preferred in the majority of cases. We consider that these are most supportive of our vision for housing and supporting communities.

#### 10. The Kind of Tenancies to be Granted in the City Region

The tenancies that will be granted by Registered Providers within the City Region are:

**Introductory Tenancies:** Also known as “probationary” or “starter” tenancies. These are usually assured shorthold tenancies which can be offered to new tenants irrespective of whether the property is let at a social, affordable or intermediate rent. Introductory/Starter tenancies can only be used for new tenants. They cannot be used for tenants transferring from a secure Council tenancy or an assured Housing Association tenancy. Nor can they be used for a mutual exchange – where 2 existing tenancies undertake a house swap.

The introductory period normally lasts for twelve months and, provided there has been no breach of tenancy that would warrant eviction within that time, can be converted to an assured tenancy once the twelve months has elapsed. However, if the Registered Provider has reason to believe that the tenant has breached the tenancy agreement it can extend the introductory period beyond twelve months. Some of these lettings will be subject to Local Authority nominations in accordance with an agreement with the Registered Provider.

**Assured (“Lifetime”) Tenancies:** Registered Providers may continue to offer assured tenancies to transferring tenants, tenants converting from an introductory tenancy (or new tenants where there is no introductory scheme in place) regardless of whether the property is let at social, intermediate or affordable rent. Their aim is to provide quality and reliable accommodation to households who are unable to meet their housing needs through the

market. They are particularly focused on the more vulnerable members of society. These lettings will be subject to Local Authority nominations in accordance with an agreement with the Registered Provider.

**Secure Tenancies:** Registered Providers will not offer secure tenancies to new tenants as they are reserved for Local Authority use. However, some Providers will have tenants with secure tenancies where the tenancies have been assigned to a Registered Provider following a stock transfer,

**Assured Shorthold Tenancies:** Registered Providers have always been able to use assured shorthold tenancies in certain circumstances e.g. provision of temporary accommodation or introductory tenancies, as set out above. This Tenancy Strategy does not seek to encroach on this. Within the context of this strategy, it is anticipated that this form of tenure will be used for fixed-term tenancies.

**Fixed Term Tenancies:** The Localism Act 2011 introduced changes which allow Local Authorities/Registered Providers to grant fixed term or flexible tenancies. Registered Providers may use fixed-term tenancies for new tenants, regardless of whether the property is let at social, intermediate or affordable rent. It is recommended that the term of the tenancy will be for a minimum of five years and will be renewable at the discretion of the tenant and the landlord at the end of the fixed term. These lettings will be subject to Local Authority nominations in accordance with agreement with the Registered Provider. New homes built under the Government's Rent to Buy scheme are required to have assured shorthold tenancies for a fixed term of less than two years.

Whilst being committed to the use of secure/assured tenancies for the majority of general needs properties, we recognise that flexible tenancies, non-secure tenancies and licenses may be appropriate in some circumstances. These include:

- Temporary accommodation under provisions contained within the 1996 Housing Act
- When they allow the use of an additional property for affordable housing. An example would be where a registered provider brings private sector properties into use as affordable accommodation as part of a leasing scheme and a lifetime tenancy could not be offered due to the length of the lease
- Where the property is offered for a specific purpose, such as to support foster care by the occupant, but the foster caring comes to an end
- Property in very short supply where greater control over occupation is necessary to ensure it most effectively meets housing need and makes best use of stock. For example, larger family houses of 4 beds or more or properties with substantial adaptations suited to a disabled person.

**Market Rent Tenancies:** These tenancies will usually have assured shorthold tenancy as their legal form. Their aim is to provide quality and reliable accommodation to households

who can meet their housing needs through the market and are attractive to Registered Providers because of the quality and reliability they can offer. Such tenancies will play an important strategic role in meeting a demand and, particularly where introduced into areas undergoing change, in helping foster and sustain mixed communities. It is envisaged that this form of tenure will be an attractive alternative to households aspiring to buy for the first time but who are having difficulty securing a mortgage.

**License Agreement:** It is recognised that some Registered Providers provide temporary accommodation, such as hostels and specialist or supported accommodation and in certain instances 'licence agreements' may be used. A licence agreement is a legal contract which is used for temporary and certain types of specialist and/or supported accommodation or shared housing, where there is no exclusive possession to any part of the dwelling.

In framing Tenancy Policies and determining the circumstances in which fixed term tenancies should be granted, extended or ended, the Liverpool City Region Local Authorities advocate that Registered Providers make use of the flexibilities as described in section 8 below.

#### 11. Circumstances when Different Types of Tenancies will be Granted.

Where a property becomes available for letting the Registered Provider will determine the appropriate form of tenancy and will seek to identify a suitable tenant. In determining the form of tenancy the Registered Provider will take into account:

- The current mix of households in the locality and the aspiration to create and sustain a balanced and mixed communities
- Known need and demand for housing in the locality
- Their neighbourhood and asset management plans
- Targets for lettings agreed as part of any nominations agreement or agreed local lettings policies
- Its allocation through Choice Based Lettings
- Any other strategic considerations relevant to the Registered Provider

There will be a **presumption in favour of lifetime (assured) tenancies** so that future social housing tenants maintain the security of tenure currently enjoyed by existing tenants. Social housing is often located in some of the more deprived parts of the City Region, and reducing security of tenure in these areas is likely to impact on the longer-term aspiration of creating sustainable communities. However, the City Region Local Authorities recognise that there will be circumstances when the new tenure flexibility will provide an opportunity for Registered Providers to make best use of their housing stock. The City Region Local Authorities consider that fixed-term tenancies are **not suitable** in any of the following circumstances:

- Where the household is transferring from an existing Registered Provider assured or Local Authority secure tenancy which was granted prior to 1<sup>st</sup> April 2012. This is to

ensure that there are no disincentives for existing tenants to move to a more suitable or desirable property and there are no barriers to normal “churn” within the sector

- Tenants with a lifelong need for support that would disadvantage them in securing alternative accommodation should be offered lifetime tenancies. This applies to tenants in both general needs and specialist and/or supported accommodation
- Where the tenant is someone over the prevailing state retirement age or where the tenant is residing in older persons accommodation, such as sheltered or “extra care” housing
- Where the property is located in an area of very low demand and/or high multiple deprivation and where the Local Authority has serious concerns about the long term sustainability of the area, unless the Registered Provider can demonstrate that the use of fixed-term tenancies would assist with creating and maintaining the balance in such areas. In these circumstances the Local Authority will initiate discussions with the relevant Registered Provider(s) to request that they temporarily suspend the use of fixed-term tenancies in that area or specify how fixed-term tenancies would assist with creating and maintaining balance
- Where a tenant with a secure or assured tenancy is required by a Registered Provider to move due to redevelopment e.g. they are being required to move; not seeking to do so.

There is a balance to be struck between generating greater availability of social housing for those in need, and maintain stable communities. It would not be desirable to allow a high proportion of fixed-term tenancies in any area if this risks creating an excessive turnover of properties and hence, community instability.

## 12. The Length of Term if Fixed-Term Tenancies are Used

The expectation is that fixed-term tenancies will be granted for a **minimum of five years**, with discretion to Registered Providers to let for shorter or longer periods where this is appropriate to the circumstances of the household or property.

The reasons for this approach are:

- It is reasonable in terms of managing the resources involved in reviewing tenancies; in order to give the tenant a reasonable time of stability to build their life chances for themselves and their possible dependents
- To allow a reasonable period for tenants to engage in the local area, which is needed for cohesion in communities **and**
- To allow the Registered Provider to take into account circumstances of the household or property which might merit a letting of shorter or longer than five years.

In certain circumstances the granting of a tenancy that exceeds a five- year period may be appropriate for some tenants in order to provide an additional degree of stability and security and to aid neighbourhood cohesion. The circumstances of households who have dependent

school-aged children attending a local school, those living in adapted properties, and those with a support need that is long-term but not necessarily lifelong, should be considered when deciding on the length of the fixed-term offered by a Registered Provider.

It is envisaged that two-year tenancies should only be issued in exceptional circumstances, for example:

- Where a property is part of a leasing arrangement and is not in the ownership of the Registered Provider and would need to revert into private ownership
- Supported housing schemes where it is anticipated that the tenant will move on to more settled accommodation within a period of less than five years
- Lettings carried out for management reasons such as those for tenants moving into properties to allow emergency works to be carried out in their existing home
- Regeneration areas where property demolition or disposal is expected to take place within five years
- Where properties have been built using Government funding for Rent to Buy.

### 13. Circumstances when Registered Providers will Grant Further Tenancy

It is expected that tenants' needs will be sensitively dealt with, and that the criteria for renewals may include the following consideration:

#### Fixed-term tenancies expiring will usually be renewed where:

The household includes dependents of pre-school age or in full-time education, unless any points in the paragraph below apply. We may also need to recognise that children stay with their parents well beyond school age for valid reasons, and these will be considered on an individual basis
The tenancy was originally offered in response to a particular set of circumstances or vulnerabilities (e.g. the household was fleeing harassment or domestic violence, is under a witness protection programme, was a person leaving Local Authority care or has mental health problems) and the household is still classed as being vulnerable
The property has been adapted to meet the needs of a disabled person and that person still resides in the property and needs the adaptations
The household receives some form of housing support or is recognised as being vulnerable
The household still requires the size of property, based upon housing need
The household is playing an active role in the community

The household has children attending a local school
The tenant would be approaching the prevailing state retirement age within the next three years and the property is suitable for a lifetime tenancy
Households where a household member is seriously or terminally ill
In cases where the property is under-occupied but this is not as a result of a change in household circumstances (e.g. due to low demand for the property it was under-occupied on allocation) it is recommended that the tenancy should be renewed if the tenant can still afford to pay the rent (due to the under-occupation charge)
The tenant can demonstrate that they carry out caring responsibilities for a neighbour or relative who lives nearby and there is no suitable alternative accommodation in the same area

**Fixed-term tenancies expiring will not usually be renewed where:**

There has been a material change in household size and they are now under-occupying the property by more than one bedroom (an alternative tenancy may be offered) subject to alternative accommodation being available. In determining whether or not a property is classed as under occupied Registered Providers should have regard to the 'bedroom standard'. Registered Providers may also wish to consider whether an additional bedroom is needed to allow a carer or relative to occasionally stay in the property overnight to undertake caring responsibilities for the tenant
The household's circumstances enable them to access market housing AND there is not a reason to seek to retain the household in the locality for the purposes of community balance. The Liverpool City Region Local Authorities do not want the use of fixed-term tenancies to be a barrier to households seeking employment or attempting to improve their income and lifestyle through career progression and, therefore, would expect that this criterion would only apply infrequently
A member of the household, or their invited guests, is engaged in anti-social activities within the locality of the home and/ or that has a detrimental effect upon the community in which the household is placed. Anti-social behaviour is conduct which is causing or likely to cause nuisance or annoyance, harassment, alarm or distress, to any other person, and can include criminal acts
The property was adapted before or during the tenancy period for someone with a disability only for that person to be no longer resident there or to no longer require the adaptations and there are other households needing this type of adapted accommodation. In these cases the City Region Local Authorities expect that the Registered Provider will arrange for alternative suitable accommodation to be secured either through a transfer or mutual exchange within its own stock or that of another Registered Provider

Where a person has been granted a property in order to receive support but then refuses to accept that support

Where there is evidence that a breach of tenancy agreement has occurred, for example, property neglect or unaddressed arrears

Where it is identified the property is inappropriate for an individual's needs, i.e. they are not coping in the property or they need more support than is currently being provided

The City Region Local Authorities are committed to ensuring that the decision to terminate a fixed-term tenancy does not lead to increases in levels of homelessness in the area.

Therefore, in situations where a decision has been taken by a Registered Provider not to renew a tenancy at the end of a fixed-term, the Registered Provider should seek to engage with the tenant at the earliest possible convenience to make them aware of the Provider's intentions. Government guidance recommends a review period of six months. However, Registered Providers may want to consider making an initial contact with the household before this to ensure that there is sufficient time for the Registered Provider to arrange alternative accommodation or for the household to purchase a home where this is likely to be deemed necessary.

Registered Providers should provide households affected by the termination of a tenancy with any relevant advice and support that will assist them in successfully relocating to alternative accommodation. This could include:

- **Advice on low-cost home ownership options and other alternative affordable housing tenures**
- **Specialist housing and/or welfare related advice and/or signposting to appropriate services**
- **Advice on renting in the private rented sector and assistance in identifying and securing a suitable property (this may involve assistance with a deposit where necessary)**

Each Local Authority across the City Region has a Housing Options/housing Solutions Service which will be able to assist tenants with a wide range of advice to help them resolve the issues arising out of the termination of their tenancies.

The City Region Local Authorities do not expect Registered Providers to use fixed-term tenancies as a short cut to enforcement procedures for breaches of tenancy conditions, but accept there may be circumstances where enforcement proceedings are so far advanced that it would not be appropriate to renew a tenancy. It will be for Registered Providers to judge these cases on their own merit mindful that they will have to justify such action should the tenant seek to exercise their right to appeal.

The City Region Local Authorities expect Registered Providers to have robust and fair appeal processes in place to resolve any disputes that may arise.

When securing alternative accommodation for the household, Registered Providers should take into account so far as is possible the household's area(s) of choice and whether they need to live in a particular area to give or receive care or support.

#### 14. Flexible Tenancies in Line with Homelessness and Rough Sleeping Strategies

The City Region Local Authorities all have Homelessness and Rough Sleeping Strategies and Housing Pathways which have been developed with residents and stakeholders. These are focused on responding to the needs of individuals and family households at the earliest opportunity to prevent, and where this is not possible, relieve homelessness, with the ultimate aim of breaking the cycle of repeat homelessness and eradicating rough sleeping

The City Region objective, mirroring that of the Government's "Everyone In" agenda, is to ensure that every rough sleeper has access to accommodation and support appropriate to what they need next. In order to maximise flow through these pathways towards greater levels of independence, and it is essential that move on options remain available. The use of flexible tenancies will allow for residents to move towards greater levels of independence when they are ready and ensures the continued availability of supported accommodation for those that need it.

#### 15. Succession and Survivorship

The law regarding succession was altered by the Localism Act 2011 providing different rules for succession dependant on the start date of the tenancy. Whenever the tenancy starts, the law only allows one succession.

##### Survivorship by Joint Tenants

Survivorship has some different rules from those relating to succession by someone who is not a joint tenant. Joint tenants have a right of survivorship following the death of a joint tenant, until there is only one surviving tenant.

- Survivorship applies in all tenure types. There is no residency criteria for survivorship to take place.
- There is no right of succession after a tenancy has been "survived".

##### Tenancies that Started Prior to 1 April 2012

Tenancies that started prior to 1 April 2012 have succession rights as follows:

- Succession to a partner or spouse
- Succession to a family member living with the tenant for the preceding 12 months
- Family members are defined at section 113 Housing Act 1985.

##### Tenancies that Started After 1 April 2012

Tenancies that started after 1 April 2012 have succession rights by law only

- To a partner or spouse.

- Discretion to grant succession to a family member (as defined by s113 Housing Act 1985) who has lived with the tenant as a member of the household for a minimum of 5 years consecutively.

There is no right of succession to a carer employed by the deceased tenant.

### Unsuccessful Requests for Succession

All requests for “succession” for those who fall outside the above categories will be considered on an individual basis in line with procedural policies.

Succession in cases of Introductory, extended Introductory or demoted tenancies will be granted in line with the current legislation

## 16. The Tenant Standard

The Regulatory Framework for Social Housing in England from April 2012 sets out the specific standards that Registered Providers (RPs) must meet and takes account of the amendments made as a result of the Localism Act 2011.

The Tenant Standard requires Registered Providers to let their homes in a transparent and efficient way and to take account of the housing needs and aspirations of tenants and potential tenants. They must demonstrate how their lettings:

- Make the best use of available housing
- Are compatible with the purpose of the housing
- Contribute to local authorities’ strategic housing function and sustainable Communities
- Also expected to co-operate with Local Authorities’ strategic housing function and their duty to meet identified Local housing needs.
- This includes assistance with Local Authorities’ homelessness duties, and through meeting obligations in nomination agreements.

## 17. Guidance for Registered Providers in formulating Tenancy Policies

Where RPs let properties on flexible tenancies, we recommend the following apply:

- For general needs housing, any fixed term should be for a minimum of 5 years in accordance with Homes England and the Regulator for Social Housing guidance. However, in exceptional circumstances, a minimum of two year fixed term can be offered.
- All prospective tenants should be made aware of the type and length of tenancy prior to sign up
- Tenants should also be informed of the circumstances in which they will be granted a further tenancy at the end of the term of their current tenancy. The criteria for not renewing a tenancy must be clearly published in the provider’s tenancy policy, in accordance with the requirements of the legislation

- Tenancy policies should recognize the benefit of a period of stability for those with young families and children in education
- Where flexible tenancies are being used to support the delivery of an Affordable Rents programme, consideration should be given to the geographical distribution of these properties to ensure that areas with high levels of tenancy turnover are not further destabilized as a result
- If a flexible tenancy is not being renewed on the basis of under-occupation, or where the property's major adaptations are no longer needed, it is expected that RPs offer a smaller alternative, or in non-adapted property within their own stock, or through partnership working with other providers and the Local Authority, thus allow the tenant to remain housed until an alternative is found
- The Council expects to be notified of all decisions not to renew a tenancy to enable housing advice to be provided for those households affected.

## 18. Affordable Rent

Affordable rents were introduced by the Localism Act 2011. The policy's primary objective was to allow Registered Providers to generate additional rental income to support investment in building more affordable homes, despite reductions in government grant. This would be achieved by charging a higher rent than social rent but remaining at a level that was still affordable to tenants with low to medium incomes (where eligible, with support through Housing Benefit).

The Department for Levelling Up, Housing and Communities (DLUHC) has issued guidance on setting rents for social housing. Registered Providers' property valuations for initial rent setting must be in accordance with a method recognized by the Royal Institute of Chartered Surveyors (RICS). The resulting Affordable Rent (subject to certain exceptions) shall not exceed 80% of market rent. The level of Affordable Rent will be recalculated at any subsequent grant of a new tenancy.

### The City Region Position on Affordable Rents

We are broadly supportive of the principle of Affordable Rents, as a means of broadening housing diversity and choice, and generating additional funds to support the viability of new-build programmes. We also recognise that some Registered Providers have entered into a contract within the Affordable Homes Programme managed by Homes England which requires an Affordable Rent element.

The City Region's position that Affordable Rents should only be used where it can be evidenced that the rent is genuinely affordable to the local population. Local Housing Allowance provides a good benchmark against which to assess affordability, and Government guidance states that Registered Providers should have regard to it when setting affordable rent. Another useful benchmark of affordability is the rent cap for social rents. While not strictly applicable to Affordable Rents, the Council would want to discourage Affordable Rents above that level.

It is recommended therefore that Affordable Rents do not exceed the rent cap, except where a higher rent is critical to ensure viability; typically, we may expect that exception to apply to the building of larger properties of 4 or more bedrooms, a minority of 3 bed properties or to properties with specialist features.

The level of affordable Rent charged for new developments should be considered on a case by case basis, seeking to balance the need to ensure viability, maximise income, and meeting the needs of local people and their community. Further emphasis is placed upon affordable rents, whilst they can be up to 80% of market rents, consideration should be given to ensuring they do not exceed the prevailing Local Housing Allowance rate, and in exceptional circumstances, by no more than 15%

## 19. Complaints

All social landlords are required to set out the way in which a tenant or prospective tenant can escalate a complaint if they are dissatisfied with the response. This should include information on:

- Internal complaints' procedure
- Housing Ombudsman
- Judicial Review
- Where to seek independent legal advice

The Social Housing White paper, **The Charter for Social Housing Residents (2020)**, sets out what every Social Housing resident should be able to expect in relation to complaints. The expectation is that Social Housing tenants will have their complaints dealt with promptly and fairly, with access to a strong ombudsman who will give them swift and fair redress when needed. This requirement will be developed further by the Regulator of Social Housing.

## 20. Reviews of Fixed Term Tenancies

The City Region Local Authorities expect Registered Providers to ensure their Tenancy policies contain the following information:

- How and to whom review requests should be made, including timescales for making the request
- How any review panel will be comprised
- Give timescales for administering the review
- Be accessible and widely publicised, such as published on websites available in Housing Offices, Local Community buildings

Under current legislation there is no right for a tenant to ask for a formal review of the decision to award an introductory tenancy. However, where a tenant believes that the Registered Provider has incorrectly awarded an introductory tenancy, the tenant should write to the designated Housing Provider, details can be located on individual websites. Such a

request should be made within 14 days of the date of signing the tenancy agreement. Such requests will only be considered where the Housing Provider has awarded an introductory tenancy in contravention of this Policy.

## 21. Monitoring

The Strategy is a 'live' document that is adaptable over time, informed by partnership working with Registered Providers and others as well as being informed by changes to the housing market, housing need and demand for properties as a result of shifting national policy.

The Strategy is monitored by the City Region Local Authorities to reflect changes in local housing priority, legislation and strategic goals. Monitoring considers:

- The effectiveness and extent to which fixed-term tenancies are issued and any appeals;
- Number of fixed term tenancies issued and not renewed
- Equality impact monitoring information;
- Changing housing market conditions and their likely impact on the demand for service provision;
- Changes to housing allocation policies;
- The composition of the housing register;
- Allocation and nomination trends;
- Registered Providers' Tenancy Policies; and
- The impact of welfare reforms.

The monitoring of these areas informs future changes to the Strategy and enables service responses to remain appropriate and relevant to changing circumstances. Upon completion of the review, an annual report will be presented to the Liverpool City Region Housing and Spatial Planning Board no later than six months after the financial year.

## 22. Equalities

A range of stakeholders were consulted during the development of the Tenancy Strategy and an Equality Impact Assessment was completed

The City Region Local Authorities expect that all Registered Providers will undertake EIAs of their own tenancy policies

## 23. Consultation

This strategy was developed in consultation with the Registered Providers operating within the City Region to ensure a well-informed and inclusive approach.

## Appendices

### Appendix A: Voluntary Right to Buy Estimates per Region

Area	Estimating the likely number of buyers of a national VRTB time-limited scheme Eligible	Proportion able to afford	Eligible and able to afford	Propensity to buy	Estimated number of purchasers
North West	262,044	24%	67,308	6.1%	4,372
North East	97,916	24%	25,649	5.9%	1,597
Yorkshire and Humber	103,110	28%	31,135	6.4%	2,110
East Midlands	65,937	20%	14,107	5.9%	882
West Midlands	131,678	24%	33,311	6.2%	2,169
South East	183,482	9%	18,508	6.3%	1,228
London	222,939	4%	10,290	7.9%	863
South West	120,428	13%	16,974	5.8%	1,048
East	131,616	14%	19,834	6.3%	1,320
<b>England</b>	<b>1,319,149</b>	<b>17%</b>	<b>246,166</b>	<b>6.3%</b>	<b>15,870</b>

## Appendix B: Liverpool City Region Tenure

### Liverpool City Region Tenancy Strategy Data (September 2021)

Local authority	Owned outright	Owned with mortgage	Shared ownership	Social rented	Private rented	Other	TOTAL
Halton	14, 436	19, 360	322	13, 441	5, 212	541	53, 312
Knowsley	16, 032	21, 864	314	16, 333	5, 980	800	61, 323
Liverpool	43, 803	53, 144	1, 096	57, 485	48, 290	2, 697	206, 515
St Helens	25, 215	25, 737	427	15, 597	7, 736	1, 024	75, 736
Sefton	42, 334	40, 803	664	17, 063	15, 804	1, 262	117, 930
Wirral	46, 806	48, 037	713	21, 329	22, 275	1, 423	140, 583
<b>TOTAL</b>	<b>188, 626</b>	<b>208, 945</b>	<b>3, 536</b>	<b>141, 248</b>	<b>105, 297</b>	<b>7, 747</b>	<b>655, 399</b>

North West	934, 101	1, 007, 463	15, 787	550, 481	462, 899	38, 818	3, 009, 549
England	6, 745, 584	7, 229, 440	173, 760	3, 903, 550	3, 715, 924	295, 110	22, 063, 368

Source: MHCLG ONS 2011 Census

Local authority	Owned outright	Owned with mortgage	Shared ownership	Social rented	Private rented	Other	TOTAL
Halton	27.08%	36.31%	0.60%	25.21%	9.78%	1.01%	100%
Knowsley	26.14%	35.65%	0.51%	26.63%	9.75%	1.30%	100%
Liverpool	21.21%	25.73%	0.53%	27.84%	23.38%	1.31%	100%
St Helens	33.29%	33.98%	0.56%	20.59%	10.21%	1.35%	100%
Sefton	35.90%	34.60%	0.56%	14.47%	13.40%	1.07%	100%
Wirral	33.29%	34.17%	0.51%	15.17%	15.84%	1.01%	100%
<b>TOTAL</b>	<b>28.78%</b>	<b>31.88%</b>	<b>0.54%</b>	<b>21.55%</b>	<b>16.07%</b>	<b>1.18%</b>	<b>100%</b>

North West	31.04%	33.48%	0.52%	18.29%	15.38%	1.29%	100%
England	30.57%	32.77%	0.79%	17.69%	16.84%	1.34%	100%

Source: MHCLG ONS 2011 Census

Local authority	2016	2017	2018	2019	2020 (Provisional)	% increase 2016-20
Halton	21,537	21,426	21,958	23,695	24,067	11.75%
Knowsley	21,502	21,956	22,287	22,696	23,700	10.22%
Liverpool	21,754	21,792	22,324	23,312	24,963	14.75%
St Helens	22,850	21,644	22,859	24,650	25,535	11.75%
Sefton	21,701	22,149	22,606	23,637	24,244	11.72%
Wirral	22,167	22,350	22,953	24,136	23,984	8.20%

North West	21,622	21,986	22,683	23,741	24,334	12.54%
England	23,337	23,754	24,283	25,150	26,055	11.65%

Source: Annual Survey of Hours and Earnings from MHCLG ONS Housing Statistics Portal

**Table 4: Median house prices (with Ratio to Median Salary)**

Local authority	2016	Ratio	2017	Ratio	2018	Ratio	2019	Ratio	2020	Ratio	2021 (Provisional)	% increase 2016-20
Halton	£125,000	5.8	£128,500	6.0	£130,000	5.9	£135,000	5.7	£135,100	5.6	£140,000	12%
Knowsley	£113,500	5.3	£119,995	5.5	£120,000	5.4	£121,998	5.4	£130,000	5.5	£134,000	18%
Liverpool	£118,750	5.5	£122,000	5.6	£126,000	5.6	£128,000	5.5	£135,000	5.4	£136,000	15%
St Helens	£115,000	5.0	£124,950	5.8	£125,000	5.5	£127,000	5.2	£129,950	5.1	£136,000	18%
Sefton	£154,000	7.1	£160,000	7.2	£164,500	7.3	£169,000	7.1	£172,500	7.1	£183,500	19%
Wirral	£147,000	6.6	£150,000	6.7	£157,000	6.8	£161,475	6.7	£165,000	6.9	£170,000	16%

Source: ONS House Price Statistics for Small Areas and Annual Survey of Hours and Earnings from MHCLG ONS Housing Statistics Portal. All figures taken from June of the relevant year: Median price paid (existing dwelling) by local authority.

**Table 5: Median monthly private rents**

Local authority	2016	% of median salary	2017	% of median salary	2018	% of median salary	2019	% of median salary	2020	% of median salary	2021 (Provisional)	% increase 2016-21 (Provisional)
Halton	£500	27.86%	£525	29.40%	£525	28.69%	£525	26.59%	£550	27.42%	£525	5%
Knowsley	£544	30.36%	£550	30.06%	£550	29.61%	£550	29.08%	£550	27.85%	£615	13%
Liverpool	£450	24.82%	£451	24.83%	£450	24.19%	£495	25.48%	£500	24.04%	£525	17%
St Helens	£475	24.95%	£475	26.34%	£495	25.99%	£495	24.10%	£535	25.14%	£550	16%
Sefton	£525	29.03%	£525	28.44%	£540	28.66%	£542	27.52%	£550	27.22%	£575	10%
Wirral	£500	27.07%	£500	26.85%	£500	26.14%	£550	27.35%	£550	27.52%	£575	15%

Source: Valuation Office Agency and Annual Survey of Hours and Earnings from DCLG ONS Housing Statistics Portal

**Table 6: Average weekly social housing rent for registered providers**

Local authority	2016		2017		2018		2019		2020 (as of 31-Mar-20)		% change 2016-20 (Provisional)
	Rent	% of 10 <sup>th</sup> percentile salary	Rent	% of 10 <sup>th</sup> percentile salary	Rent	% of 10 <sup>th</sup> percentile salary	Rent	% of 10 <sup>th</sup> percentile salary	Rent	% of 10 <sup>th</sup> percentile salary	
Halton	£89.97	60.75%	£84.05	56.75%	£83.30	55.48%	£82.38	52.78%	£82.00	-	-8.86%
Knowsley	£87.21	61.25%	£85.32	59.92%	£84.70	54.05%	£83.33	45.18%	£82.72	-	-5.15%
Liverpool	£86.47	62.12%	£84.30	60.56%	£83.45	-	£82.56	50.00%	£82.33	-	-4.79%
St Helens	£88.06	-	£89.99	-	£88.71	-	£87.78	67.61%	£87.16	-	-1.02%
Sefton	£89.02	70.18%	£85.02	67.03%	£84.20	-	£83.38	58.65%	£85.58	-	-3.86%
Wirral	£85.72	62.99%	£84.65	62.21%	£83.84	52.96%	£82.48	59.49%	£84.73	-	-1.15%

Source: MHCLG and Annual Survey of Hours and Earnings from DCLG ONS Housing Statistics Portal Social rent rate (excluding service charge)

## Property Pool Plus/Under One Roof Information

Table 7a: Knowsley affordable housing demand and supply 2019-20		
Bedrooms/ property type	Supply	Demand
	Number of properties advertised	Applicant demand per advert
Bedsit	0	0
1 bed	368	43
2 bed	395	62
3 bed	280	44
4+ bed	26	42
Bungalow	16	Included in property size
Adapted property	14	Included in property size

Source: Property Pool Plus

Table 7b: Liverpool affordable housing demand and supply 2019-20		
Bedrooms/ property type	Supply	Demand
	Number of properties advertised	Applicant demand per advert
Bedsit	31	31
1 bed	735	79
2 bed	788	97
3 bed	549	93
4+ bed	50	90
Bungalow	133	Included in property size
Adapted property	393	Included in property size

Source: Property Pool Plus

Table 7c: Sefton affordable housing demand and supply 2019-20		
Bedrooms/ property type	Supply	Demand
	Number of properties advertised	Applicant demand per advert
Bedsit	4	27
1 bed	374	57
2 bed	448	69
3 bed	258	104
4+ bed	23	81
Bungalow	31	Included in property size
Adapted property	81	Included in property size

Source: Property Pool Plus

Table 7d: St Helens affordable housing demand and supply 2019-20		
Bedrooms/ property type	Supply	Demand
	Number of properties advertised	Applicant demand per advert
Bedsit	1	28
1 bed	131	49
2 bed	607	69
3 bed	445	107
4+ bed	26	43
Bungalow	108	Included in property size
Adapted property	170	Included in property size

Source: Under One Roof

<b>Table 7e: Halton affordable housing demand and supply 2019-20</b>		
Bedrooms/ property type	Supply	Demand
	Number of properties advertised	Applicant demand per advert
Bedsit	0	0
1 bed	353	43
2 bed	325	69
3 bed	267	70
4+ bed	29	53
Bungalow	69	Included in property size
Adapted property	199	Included in property size

Source: Property Pool Plus

<b>Table 7f: Wirral affordable housing demand and supply 2019-20</b>		
Bedrooms/ property type	Supply	Demand
	Number of properties advertised	Applicant demand per advert
Bedsit	5	72
1 bed	486	59
2 bed	380	63
3 bed	186	96
4+ bed	20	100
Bungalow	43	Included in property size
Adapted property	143	Included in property size

Source: Property Pool Plus

<b>Table 7g: Liverpool City Region TOTAL affordable housing demand and supply 2019-20</b>		
Bedrooms/ property type	Supply	Demand
	Number of properties advertised	Applicant demand per advert
Bedsit	40	36
1 bed	2316	60
2 bed	2336	76
3 bed	1540	82
4+ bed	148	70
Bungalow	292	Included in property size
Adapted property	847	Included in property size

Source: Property Pool Plus, Under One Roof

Local authority	Overcrowded by 1 or more bedrooms	Overcrowded by 2 or more bedrooms	Under occupying
Halton	333	53	321
Knowsley	194	29	275
Liverpool	1535	209	1835
St Helens	868	77	3300
Sefton	464	64	695
Wirral	258	26	354

Source: Property Pool Plus

Local Authority	2018-19			2019-20		
	Total accepted applicants	Total prevention applications	Prevention outcomes: Secured accommodation for 6+mths	Total accepted applicants	Total prevention applications	Prevention outcomes: Secured accommodation for 6mths
Halton	38	553	222	38	554	348 (55%0)
Knowsley	12	708	272 (59%)	25	559	370 (62%)
Liverpool	188	1176	516 (62.9%)	40	807	506 (53%)
St Helens	13	454	240 (70.6%)	21	558	348 (65.9%)
Sefton	8	395	188 (62%)	2	374	221 (53.9%)
Wirral	46	428	141 (43.8%)	33	428	507 (51.5%)

Source: Housing Options Service contract data

## Appendix C: Liverpool City Region Agreed Actions

ACTION	COMMITMENT
Review Legislation & Government Guidance	The Liverpool City Region Local Authorities will keep under review relevant legislation, government guidance and local housing conditions.
Strategic Impact	Will monitor the impact of this strategy and its effectiveness in supporting the objectives outlines within the Housing Investment Strategy 2020.
Strategy Amendments	Amend the Tenancy Strategy (following consultation) if a significant change in any of the above factors so requires.

## Appendix D: The Flexibilities announced under the Localism Act 2011

- Enabled Social landlords, after the expiry of introductory or starter tenancies, to grant tenancies for a fixed length of time
- Set the statutory minimum length of tenancy at 2-years (to be used only in exceptional circumstances) with a tenancy term of 5-years being considered the norm
- There is no upper limit on the length of the tenancy, as social landlords could still offer lifetime tenancies
- That prospective tenants must be given prior written notice that their tenancy is to be a flexible tenancy and have the right to request a review of the length of the term
- When a social landlord decides not to reissue a tenancy at the end of the term, they must give 6-months' notice of this decision before the end of the tenancy and must provide advice and assistance for tenants to help them to find suitable alternative accommodation

Tenants with flexible tenancies have the same protection from eviction as tenants with a secure or assured tenancy. Landlords are still required to rely on one of the grounds for possession and also prove they acted reasonably when deciding to seek possession.

The Localism Act states tenants with flexible tenancies have the following rights:

- Right to exchange with limited exceptions
- Right to buy / acquire (on the same conditions assured tenants)
- Right to take in lodgers and to sub-let part of the property (with landlord's permission).
- Right to have repairs carried out.
- Right to consultation and information.
- Right to one succession to spouse or partner of the deceased tenant.
- Landlords will be able to offer other relatives the opportunity to succeed but will not be required to do so

## Appendix E: Changes to the National Policy Position and Legislative Framework

Since the introduction of the Localism Act 2011 several other pieces of legislation have been enacted that impact on the tenancy offer that can be offered by Local Authorities and Registered Providers.

Legislation	Overview
<b>Housing and Planning Act 2016</b>	Proposals in the Housing and Planning Act 2016 were set to end the granting of secure tenancies to all but a few 'nationally' agreed exceptions
<b>Social Housing Green Paper 2018</b>	Rowed back' in announcing that these proposals would not be enacted at the time. This allowed Local Authorities to continue to determine the types of tenancy that they would offer, locally. There have been no suggestions since this time that the government has any plans to end the use of Lifetime Tenancies
<b>Homelessness Reduction Act 2017</b>	Homelessness Reduction Act 2017 added two new duties to the original statutory rehousing duty: <ul style="list-style-type: none"> <li>➤ <b>A duty to prevent homelessness</b></li> <li>➤ <b>A duty to relieve homelessness</b></li> </ul> The legislation extends entitlements to help, placing a renewed focus on the prevention of homelessness and local joint partnership working. It has the potential to provide more client focussed, personalised statutory homelessness services
<b>Secure Tenancies (Victims of Domestic Abuse) Act 2018</b>	Supports victims of domestic abuse in social housing to leave their abusive situation. The bill will require Local Authorities, Registered Social Landlords, when re-housing an existing lifetime social tenant, or offering them a new sole tenancy in their own home, to grant a new lifetime tenancy. The Local Authority / Registered Housing Provider must be satisfied that the tenant or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse

## Appendix F: Glossary of Terms

<b>Affordable Housing</b>	Includes social rented housing, affordable rented housing and low-cost home ownership such as shared ownership
<b>Fixed Term Tenancy</b>	A flexible tenancy with a fixed start and finish date, usually for 5 years. At the end of the fixed term the tenancy may end or it may be renewed, depending on the criteria for renewal specified in the RP's Tenancy Policy
<b>Affordable Rent</b>	A rent set at 80% of the equivalent market rent for properties
<b>Social Rent</b>	Rent levels for Social Housing for which guideline target rents are determined through a National Rent Regime aimed at helping ensure that all Social Rent levels are brought into line and are comparable. Social Rents are usually significantly lower than market rent levels
<b>Local Housing Allowance (LHA)</b>	Used to work out Housing Benefit for tenants who rent privately. The amount of LHA tenants may be eligible for depends on the place of residence, with local limits based on the cheapest 30% of properties in an area
<b>Market Rent</b>	The rental income level that a property would most probably command on the open market if rented privately
<b>Intermediate Rent</b>	Homes for sale and rent provided at a cost above social rent but below market levels. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing
<b>Department for Levelling Up, Housing and Communities</b>	Formerly known as the Ministry of Housing Communities and Local Government. The Department is responsible for UK Government Policy
<b>Regulator of Social Housing</b>	The central Regulator for all Social Housing Providers, including Housing Associations and Local Authorities

<b>Liverpool City Region</b>	The Liverpool City Region is an economic and political area which incorporates the Local Authority districts of Halton, Knowsley, Sefton, St Helens, and Wirral
<b>Housing Options Service</b>	Administer Homelessness Services, providing help and advice on all aspects of housing need
<b>Local Enterprise Partnership (LEP)</b>	Partnerships between Local Authorities and businesses, created in 2011 to help shape local economic priorities and undertake activities to drive local economic growth and the creation of jobs
<b>Homelessness Strategy</b>	A strategy that sets out homelessness issues within a Local Authority area and a plan of action to respond
<b>Localism Act</b>	Legislation enacted in November 2011 relating to a wide range of functions at a local level including housing, planning and local government administration
<b>Local Lettings Policy</b>	A policy applied to the letting of properties or a group of properties for housing management purposes or to meet other strategic objectives
<b>Registered Provider</b>	An organisation registered with the Homes and Communities Agency as a provider of social housing
<b>Strategic Housing Market Assessment (SHMA)</b>	The SHMA reviews the whole of a housing market and forms part of the evidence base which will help to inform future housing and planning policies and strategies
<b>Tenancy Agreement</b>	The contract between a tenant and a landlord
<b>Tenancy Policy</b>	A Registered Provider's policy that sets out the landlord's policy on the use of fixed-term tenancies
<b>Tenancy Strategy</b>	Local Authority strategy that sets out the matters Registered Providers operating in their area should have regard to when setting their Tenancy Policy

## Appendix G: Homelessness Service Contact Details

Local Authority	Homelessness Service Contact Number	Homelessness Service Email Address
Halton	0151 511 7979	Housing.solutionsteam@halton.gov.uk
Knowsley	0151 443 2333	Housingsolutions@knowsley.gov.uk
Liverpool		
Sefton	0151 934 3541	Housing.options@sefton.gov.uk
St Helens	(017440) 675150	HousingAdviceOptions@sthelens.gov.uk
Wirral	0151 666 5511	housingoptions@wirral.gov.uk

## Appendix H: Equality Impact Assessment

<b>EIA Ref</b>		
<b>Lead Officer</b>	Name	<b>Patricia Preston</b>
	Position	<b>Principal Manager</b>
	Contact details	<a href="mailto:Patricia.preston@halton.gov.uk">Patricia.preston@halton.gov.uk</a> <b>0151 511 8581</b>

### SECTION 1 –Context & Background

#### 1.1 What is the title of the policy / practice?

Tenancy Strategy 2021

#### 1.2 What is the current status of the policy / practice?

Existing

Changed

New

#### 1.3 What are the principal aims and intended outcomes of the policy / practice?

The development of a Tenancy Strategy setting out the matters which registered providers of social housing must have regard to when formulating their policies on tenancies, including: the kinds of tenancies that they grant; the circumstances in which they grant certain tenancies; the length of time that they will grant tenancies and in which circumstances they will grant further tenancies once an existing tenancy has come to an end.

#### 1.4 Who has primary responsibility for delivering the policy / practice?

Local Housing Authorities in partnership with Housing Associations. This Tenancy Strategy is a joint strategy across the City Region so each Local Authority will be responsible for delivery the policy in its area/

**1.5 Who are the main stakeholders?**

The main stakeholders are Housing Associations and potential social housing tenants.

**1.6 Who is the policy / practice intended to affect?**

Residents  Staff  Specific Group(s)  (add details below)

The policy is intended for all households who will be looking to take on a social housing tenancy.

**1.7 Are there any other related policies / practices?**

- LCR Housing Investment Strategy
- Housing Strategy
- Property Pool Plus and Under one Roof Allocation Scheme rules
- Homelessness and Rough Sleeping Strategies

**SECTION 2 – Consideration of Impact**

**2.1 Relevance: – the Public Sector Equality Duty**

Does this policy / practice / service have due regard to the need to: -

- (a) Eliminate discrimination, harassment, victimisation and any other conflict that is prohibited by the Equality Act 2010
- (b) Advance equality of opportunity between two persons who share a relevant protected characteristic
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

**Yes (  ) No (  )**

State reasons below

*(Relevance to service users/staff)*  
Due regard has been given to eliminating discrimination and treating all individuals fairly when providing tenancies in the social housing sector.

**2.2 Has data and information has been used in determining the impact of the policy / procedure under review?**

<b>Equality Group(s)</b>	All
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<b>Baseline data and information</b>
Tenure types, salaries, median house prices and private rented sector average, access to social housing including bungalows and adapted properties,

**2.3 On the basis of evidence, has the actual / potential impact of the policy/ practice been judged to be positive (+), neutral (=) or negative (-) for each of the equality groups and in what way? Is the level of impact judged to be high (H), medium ((M), or Low (L)?**

<b>Protected Characteristic</b>	<b>Impact type +, =, -</b>	<b>Level H, M, L, -</b>	<b>Nature of impact</b>
Age	+	L	he Tenancy Strategy recommends that people over the prevailing state retirement age, or residing in older persons' accommodation, are not offered fixed-term tenancies to ensure stability of tenure during later life. The Tenancy Strategy recommends that a fixed term tenancy will usually be renewed where the tenant would be approaching the prevailing state retirement age within the next three years and the property is suitable for a lifetime tenancy.
Disability	+	M	The Tenancy Strategy recommends that fixed-term tenancies will not be used for prospective tenants where the household requires an adaptation to the home which is required for life. The Tenancy Strategy recommends that a fixed term tenancy will usually be renewed where the property has been adapted to meet the needs of a disabled person and that person still resides in the property and needs the adaptations
Gender	=	/	There is no evidence to suggest any relevance between gender and

			the Tenancy Strategy.
Race / ethnicity	=	/	There is no evidence to suggest any relevance between these categories and the Tenancy Strategy.
Religion / belief	=	/	
Sexual Orientation	=	/	
Transgender	=	/	
Marital status/ Civil Partnerships	=	/	
Pregnancy/Maternity	+	/	The Tenancy Strategy recommends that where an existing tenancy includes dependents of pre-school age or in full-time education (where children are part of the household), a fixed term tenancy will usually be renewed.
<b>In Halton two further vulnerable groups have been identified: -</b>			
Carers	=	/	There is no evidence to suggest any correlation between carers and the Tenancy Strategy.
Socio – economic disadvantage	+	<b>H</b>	The Tenancy Strategy encourages the use of fixed-term tenancies in certain circumstances which may increase the availability of housing for low income households. It also contains a presumption in favor of lifetime tenancies and sets out the circumstances where fixed-term tenancies should normally be renewed, including where households include dependents of pre-school age or in full-time education

**2.4 Does the policy / practice have any potential impact upon safeguarding vulnerable people?**

No

**2.5 How will the impact of the policy / practice be monitored?**

Governance through LCR Housing Officers Group and Property Pool Plus Contract Board

## 2.6 Who will be responsible for monitoring?

Patricia Preston Principal Manager
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**2.7 If any negative impacts, or potential negative impacts, have been identified what mitigating actions will be put in place, thereby eliminating the need for a further Stage 2 assessment.**

**Where none have been identified insert 'no further action required' in the first column**

Action & purpose / outcome	Priority	Timeframe	Lead Officer
No further action required	(H, M, L)		

## 2.8 Summary of stakeholders involved in this review

Job Title or Name	Organization / representative of
Patricia Preston, Principal Manager	Halton BC

## 2.9 Completion Statement

**As the identified Lead Officer of this review I confirm that:-**

No negative impact has been identified for one or more equality groups and that a Stage 2 Assessment is not required ✓

Signed: <i>Preston</i>	Date: 4th October 2021
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## HOUSING COMMITTEE

Wednesday, 2 March 2022

<b>REPORT TITLE:</b>	<b>SOCIAL HOUSING ALLOCATIONS SCHEME (PROPERTY POOL PLUS)</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF REGENERATION AND PLACE</b>

### REPORT SUMMARY

This report seeks approval to Wirral's continued participation in a Liverpool City Region sub regional social housing allocations scheme, to approve the final revised Allocations Policy following the outcome of a formal consultation process and support the arrangements for the introduction of a new IT system to support the operation of the new policy and scheme.

If approved, the revised Allocations Policy would support at least two aims of the Wirral Plan 2021-26:

- Deliver quality, affordable and sustainable homes; and
- Prevent and relieve homelessness.

This matter is a Key Decision as it affects all Wards and all 23,500 households occupying housing owned by Registered Providers of Social Housing as well as any household wishing to apply for social housing.

### RECOMMENDATIONS

That the Housing Committee:

- (1) approve the proposed Allocations policy and scheme as set out in Appendix A of this report;
- (2) Support for the implementation of the new scheme to coincide with the procurement of a suitable IT system, which would be needed to support the operation of the new policy and scheme;
- (3) That the commencement of the tender process for the procurement of the provision of the IT software system be approved;

- (4) That the Head of Housing be authorised to award the contract within approved budget and to the highest scoring tender within approved budget and in accordance with the Most Economically Advantageous Tender (MEAT) criteria;
- (5) That the Head of Housing be authorised to enter into arrangements with the other participating local authorities (Halton, Knowsley, Liverpool and Sefton), to govern the implementation and future operation of the allocations scheme, including the appointment of a Property Pool Plus Co-ordinator to work across all local authority areas.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 In order to ensure that the Allocations Policy is in line with current legislation, case law and good practice, it is necessary to periodically update and review the current iteration. Committee is required to approve a new social housing Allocations Policy and Scheme and to support the work relating to the procurement of an IT system and appointment of a Coordinator across the LCR necessary to implement and operate it.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 An independent review of the existing Choice Based Letting Scheme operated across the City Region was undertaken in 2019 in consultation with Cabinet Members, Officers and partners resulting in a series of findings and recommendations. One of the key recommendations was the advantages of continuing with a LCR Choice Based Lettings scheme due to the benefits to the participating local authorities, partners and customers of the scheme. Therefore, to not approve the continued participation in this sub-regional scheme was discounted by all partners due to a number of benefits including cost efficiencies for procurement of single IT system, consistent and single approach for registration and priority banding awards, transparency of process and more efficient and quicker process for nominations and matching to enable lettings process.

### **3.0 BACKGROUND INFORMATION**

- 3.1 Members have previously approved the common Choice Based Lettings and Allocations Policy for the 5 participating Local Authorities – Sefton, Halton, Liverpool, Wirral and Knowsley. The allocations scheme has been known as the Property Pool Plus scheme (PPP). PPP is a partnership between the aforementioned local housing authorities plus numerous private registered providers of social housing. PPP provides a common procedure and approach to allocating social rented housing, using a choice-based method to let homes.
- 3.2 The LCR partnership collectively undertook a procurement process for an IT system to operate the CBL Scheme with a current contract held with Abris (now Civica), which has been critical to underpin the operation of the scheme and policy. The IT system has been upgraded over the life of the scheme and the contractual arrangements with Civica extended until a new IT system is procured. Wirral Council have agreed to lead on this piece of work with assistance from all other Scheme Member LAs.
- 3.3 The operation of the scheme, including the IT system, in Wirral is undertaken in-house, by the Property Pool Plus Team.
- 3.4 PPP provides a single point of access for customers/applicants to apply for social housing, complete a single application process, and join a single housing register. It also provides local authorities with a single means to provide nominations, including for homeless applicants. The aspiration remains that the local authorities continue to

facilitate a single lettings approach for scheme partners and customers when allocating and letting social housing across the city region.

### **3.5 Housing Allocations Policy review**

3.6 The Local Authority, in collaboration with other local authority members of the Property Pool Plus scheme, commissioned an independent review of how social rented housing is allocated across the Liverpool City Region.

3.7 The review was carried out during 2019. A total of 15 recommendations were made to improve how social housing is allocated. The primary recommendation was to revise the current rules for allocating social rented housing, to make them fully compatible with the law and accord with nationally recognised best practice.

### **3.8 Context**

3.9 The Local Authority has a public law duty to accept applications from any member of the public, for an allocation of social rented housing.

3.10 The Local Authority has nomination agreements with housing associations who hold stock in the borough, which allows people who have applied to the Council for an allocation of social rented housing, to be allocated an available property from a housing association.

3.11 The Local Authority chooses to hold a common database of applicants and a common set of rules allocating social rented housing, with four other local authorities across the LCR. This scheme is known as Property Pool Plus.

3.12 The Local Authority is required to allocate social rented housing in accordance with statute, statutory guidance and regulations and orders issued by the UK Parliament and the UK Government. The local authority is obliged to provide information to anyone who is interested in making an application for social rented housing. The law sets out how local authorities must handle applications, make decisions, and conduct reviews, about allocations.

3.13 Eligibility for an allocation of social housing is determined by immigration law, resulting in local authorities having no discretion on this matter. The law specifies that some persons must be given a reasonable priority for an allocation. These include people who are homeless, owed a homelessness duty, occupying unsatisfactory accommodation, need to move on medical or welfare grounds, or need to move to avoid hardship. When allocating social rented housing, the local authority must avoid discriminating against any person and ensure it enhances equality of opportunity for all. The best interests of children must also be taken account of when social rented housing is allocated. The Local Authority is afforded no powers over these matters nor does it have any discretion as to how these matters are administered.

3.14 In respect of the above matters, a range of administrative changes are being proposed to bring practice and procedure in line with current legislative requirements.

3.15 The Local Authority has powers to determine certain aspects of how social rented housing is allocated in respect of the following matters.

1. **Qualification** – which persons should qualify or be disqualified from being allocated social rented housing.
2. **Choice** – how much choice a person might be entitled to express in regard to the social rented housing they wish to be allocated.
3. **Additional Preference** – persons who should be given an extra favour when social rented housing is being allocated.
4. **Priority** – persons wishing to be allocated social rented housing should be selected for an allocation.

3.15 The changes being proposed for the above following matters are set out below, with an explanation of the current policy position alongside the proposed new rules.

### 3.16 Qualification

3.17 Incapable of holding a tenancy agreement –

- A child aged 16 or 17 years of age, will be disqualified from being allocated social rented housing, unless a suitable party can act as a trustee and hold a legal tenancy until the child reaches the age of 18 years. This rule prevails in the current policy, no changes are being proposed to this matter.
- A child, defined as a child in need under the Children's Act 1989, section 17, (a child in need or a looked after child up to the age of 17) will be disqualified from being allocated social rented housing. This rule prevails presently but is not expressly made clear in the current policy, an amendment is proposed to rectify this.
- A person lacking the mental capacity to hold a tenancy, will be disqualified from being allocated social rented housing. This rule prevails presently but is not expressly made clear in the current policy, an amendment is proposed to rectify this.

### 3.18 Unacceptable behaviour

3.19 A person who is guilty of unacceptable behaviour that makes them unsuitable to be a tenant, will be disqualified from being allocated social rented housing. This rule prevails in the current policy; however, amendments are proposed to make it clearer what constitutes unacceptable behaviour. It is proposed the new policy will make it clear that anyone with a spent conviction (where a **predetermined time period has elapsed since the date of the conviction**) under the Rehabilitation of Offender Act 1974, section 4, (1) will not be taken account of when making decisions about whether a person should be disqualified. The proposed new definition of unacceptable behaviour is as follows:

- Having an unspent conviction (where a **criminal record that, for a specific period of time (the length of which is determined by the seriousness of**

**the crime) can still be disclosed)** of a serious offence, committed in the locality of their property, against a person with a right to reside or occupy or accommodation.

- Having an unspent conviction of a serious offence, committed elsewhere against the Local Authority or a Registered Provider or agents acting on their behalf, which directly or indirectly was related or affected carrying out housing management functions
- Perpetrators of domestic abuse who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order, which is in force at the date an application is being determined.
- Having an unspent conviction at the date an application is being determined for a serious offence as defined by the Serious Crime Act 2007, Part 1, Schedule 1, committed in the locality of a property against another person or the Local Authority or a Registered Provider.
- Breaching a provision of an injunction under section 1, conviction under section 30, or an order made under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which occurred in the locality of a specified property or elsewhere which caused nuisance, annoyance, harassment, alarm or distress to a person in the locality or the Local Authority or a Registered Provider, or resulted in access to property that has been prohibited under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014, for a continuous period of more than 48 hours.
- Having an unspent conviction for an offence under section 80(4) or 82(8) Environmental Protection Act 1990, concerning noise from a property which was a statutory nuisance as per section 79(1), Part 3 of the Environmental Protection Act 1990.
- Having an unspent conviction for an offence under the Fraud Act 2006, Forgery and Counterfeiting Act 1981 or Social Housing Fraud Act 2013, involving withholding, falsifying or misrepresenting any information to be allocated social rented housing or sub-letting of social housing by current tenants.
- Within the previous 12-months, having committed any other behaviour that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A. This includes an applicant being responsible for:
  1. Causing nuisance or annoyance to other; people living, visiting or carrying out lawful activities in the locality of their home, and/or employees of the

Local Authority, or people employed by other organisations, to carry out housing management functions, for the Local Authority

2. Causing an offence, or another adult residing with them, for which they were convicted for, which took place during and at the scene of a riot in the UK.
3. Causing violence or threats of violence towards another person or their family members, who were living at the same property as the applicant, which resulted in them leaving and being unlikely to return to the property.
4. Allowing acts of waste or neglect of their property or common parts of a building in which their property is situated or failing take reasonable steps to stop any person residing with them to cause acts of waste or neglect to the property.
5. Allowing furniture, provided by a landlord for use as part of their tenancy, or for use in common parts, to deteriorate due to ill-treatment, and in a circumstance where a lodger has caused the ill-treatment, not taking reasonable steps to evict that lodger.
6. Being granted a tenancy as a result of deliberately and rashly making a false statement, made by themselves or another person at their prompting.

3.20 The following rules concerning unacceptable behaviour, are not permitted in law and so are proposed to be removed and will not be included within new policy:

- Persons who have been convicted of arson.
- Person who has been previously evicted from a social housing tenancy.
- Persons who been previously abandoned a social housing tenancy.
- Persons whose criminal convictions are not spent being time restricted for a 12-month period.

### **3.21 Rent or service charge arrears**

3.22 Persons who have outstanding liabilities, such as rent or service charge arrears or re-charges, attributable to a tenancy will be disqualified from being allocated social rented housing. This rule prevails in the current policy; however, amendments are proposed to the method used for calculating the amount of outstanding arrears by which it is acceptable to be allocated social rented housing. The current rules require a person to agree to a repayment plan and have maintained repayments for a minimum of 52 weeks or have reduced their debt to below the equivalent of eight weeks gross rent. The new rules still propose a person is required to have a repayment plan, but instead require at least three continuous monthly payments to have been made and be no more than one month behind the agreed schedule of repayments. In future repayment plans will ignore any debts which are statute barred (debts no longer pursuable in law). Deciding what a realistic affordable repayment amount might be, it will be necessary to take account of all income a person receives.

3.23 Following which, from a person's income the deductions will be made:

- Existing expenditure on any current housing costs
- Reasonable living expenses up to the value equal to universal credit standard allowance rates.
- Expenditure necessary to nurture and keep safe any child lives in a household.
- Income spent paying priority debts

3.24 These arrangements have been proposed as they accord with established law and court rulings.

### **3.25 Breach of tenancy conditions**

3.26 Persons who have been evicted for any breach of tenancy conditions (regardless of tenure) will be disqualified from being allocated social rented housing. This rule prevails in the current policy, however some minor amendments are proposed in the proposed new policy to clarify the meaning of the term 'breach of tenancy conditions'. This will now cover:

1. Sub-letting part or whole of the property without permission.
2. Purposely failing to report repairs.
3. Failing to allow contractors to enter the property to carry out maintenance.
4. Running a business from the property without permission from the landlord.
5. Having an unspent conviction for using or allowing their property to be used for illegal or immoral purposes.

### **3.27 Local connection**

3.28 Persons who have not been resident in the local authority area for a minimum of two years will be disqualified from being allocated social rented housing. A rule in the current policy requires, persons to have a connection of at least six months out of the last 12 months or three years out of the last five years, with some minor exemptions applying in certain specified circumstances. To accord with statutory guidance the minimum period to establish a local connection should be fixed at two years across the scheme area, with applicants only being awarded the highest band for the local authority scheme area they have a local connection to. A person can establish a local connection to the local authority area due to them being resident, having employment, having family associations, or some other special reason. These matters are defined in some detail within the proposed new rules and are contained within the policy contained in Appendix 1, however Member's attention is drawn to the policy having regards and exemptions for local connection criteria for specific circumstances such as those fleeing domestic abuse and armed forces personnel.

### **3.29 Homeowners**

3.30 Homeowners will be disqualified from being allocated social rented housing. This is a change to the current policy; it has been proposed to ensure the new rules accord with law and statutory guidance. Some minor exemptions will be put in place, such as for those whose property has been subject to a prohibition order issued by the local authority under the Housing Act 2004, due to the property being a danger to the health of any occupants.

### **3.31 Savings**

3.32 Persons who have savings above £16,000 will be disqualified from being allocated social rented housing. This is a change to the current policy; it has been proposed to ensure the new rules accord with law and statutory guidance and therefore the new policy aligns with the rate at which the Department for Work and Pensions fixes its own rules regarding entitlement welfare benefits.

### **3.33 Exemptions**

3.34 Persons who are victims of domestic abuse will be exempt from the aforementioned requirements concerning local connection and property ownership.

3.35 Persons who have been on active service with the armed forces or reserve forces will have any financial resources gained as a result of an injury or disability, sustained while on active service, disregarded when the matter of savings is considered. Persons who are currently serving in the armed forces or who have done in the preceding five years will all be exempt from local connection requirements. This will also apply to their spouses, bereaved spouses or civil partners of persons who served in the armed forces, and former or serving members of the reserved Armed Forces, plus divorced or separated spouses or civil partners of service personnel, along with adult children of service personnel who could no longer remain in the family home,

### **3.36 Choice**

3.37 People will be offered the opportunity to express a preference about the social rented housing that might be allocated to them. This will be done via the online system, by placing bids against a property which is being advertised as available to let or in the case of those agreed applicants and/or vulnerable households via an 'autobid' process. A cap of three bids per week will be in force for each person. Each person will be entitled to make a limited number of refusals when offered a suitable property. This will be capped at one refusal for those in the highest band A, two refusals for those in band B, and three refusals for those in band C. These proposed arrangements make no adjustments to rules set out in the current policy.

### **3.38 Additional Preference**

3.39 The law requires that the following persons are given a reasonable preference when social rented housing is being allocated:

- People who are homeless.
- People who are owed a homelessness duty by the local authority.
- People occupying insanitary or overcrowded or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including any grounds relating to a disability.
- People who need to move to a particular locality in the area, where failure to meet that need would cause hardship to them.

3.40 Local authorities have a power to afford an additional preference (i.e., they can award a higher priority over and above the reasonable preference) on any person they might choose, in line with statutory guidance and local need. The current rules need to be amended to define the categories more explicitly to ensure consistency of assessment and application across the LCR region and how this is being administered. It is proposed that in future the following persons will be afforded an additional preference for an allocation of social housing, and this will be demonstrated by placing all such persons in the highest band of the scheme, Band A:

1. People who are homeless, owed the initial relief duty.
2. People who are homeless, owed the main housing duty, due to being not intentionally homeless and having a priority need for accommodation.
3. People who are victims of domestic abuse
4. People who experience a sudden loss of home due to disaster
5. People who are severely overcrowded, lacking two or more bedrooms
6. People who are under occupying social rented housing by two or more bedrooms
7. People whose medical condition is expected to be terminal and rehousing is required due to the detrimental effects caused by their present accommodation.
8. People whose medical condition is life-threatening, and rehousing is required due to the detrimental effect caused by their present accommodation.
9. People who are ready to be discharged from hospital and there is no accommodation available to them to be discharged to
10. People leaving the care of the Local Authority's children services
11. People approved to be a foster carer or to adopt, who need to move to a larger home, in order to look after a child under the care of the Local Authority's Children Services.
12. Members of the armed and reserve forces, including former members
13. Bereaved spouses and civil partners of members of the armed forces
14. Victims of racial harassment amounting to violence or threats of violence.
15. Victims of hate crime amounting to violence or threats of violence.
16. Witnesses of crime or victims of crime who would be at risk of intimidation amounted to violence or threats of violence.
17. People who need to be rehoused due to a compulsory purchase order and/or are subject to a local authority approved regeneration scheme
18. People participating in the housing first pilot led by the Liverpool City Region Combined Authority

### 3.41 Priority

3.42 The current rules involve six different bands, from A to F however there is some variation which has been identified as part of the review process as to how some local authority areas are prioritising applicants across bandings, the new proposed policy strengthens the consistency by providing more clarity regarding how bandings and priority will be applied, so the proposed new scheme is to move to four bands A-D.,

3.43 Applicants prioritised for an allocation of social rented housing according to:

1. Four Bands, in the order of A to D
2. Where two or more applicants might have the same priority band, then by the date they were accepted into the band they are placed in at the time of an offer being made, with earlier dates taking priority over later dates
3. Where two or more applicants might still have the same priority, then those who are making a community contribution. A community contribution is defined as (i) someone who is in paid or unpaid employment for a minimum of 16 hours per week, for a minimum of six months, (ii) in further or higher education, either part-time or full time, for a minimum of one term, (iii) serving in the regular or reserve armed forces. People who are unable to meet this criteria due to illness, disability, age, gender or other characteristic or circumstance will be afforded the same consideration as those listed above.
4. Where two or more applicants still might have the same priority, then by those who work or have close family in the local authority
5. Meeting landlord advert preference criteria to make best use of stock

3.44 **Band A** will consist of people who have been awarded extra priority for an offer of accommodation, due to having an urgent need to move. This band will consist of all people whom the local authority has chosen to provide an additional preference to as outlined in Sections 3.38-3.40 of this report

3.45 **Band B** will consist of people who are entitled to a priority for an offer of accommodation, due to having a need to move. This band will consist of all people whom the law insists have a reasonable preference. This will include:

- People who are homeless not already included in Band A.
- People who are owed a homelessness duty by the local authority, not already included in Band A, such as those who are intentionally homeless but have a priority need for accommodation, all those who are threatened with homelessness.
- People who are occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. The Environmental Protection Act 1990 Part 3 (in relation to unhealthy premises), Housing Act 1985, Part 10 (relating to overcrowding) and the Housing act 2004, part one (relating to hazardous housing) will be taken account of by the local authority when determining an applicant's housing conditions.
- People needing to move on medical or welfare grounds, including grounds relating to a disability, due to detrimental effects caused by present

accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with a direct knowledge of a person's condition will be contacted by the local authority for an opinion of the person's health and the impact on their housing needs. The local authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation. Once accommodation is allocated to a person with medical or welfare needs, their support and care needs will be assessed jointly by social care services, housing support providers, NHS trusts, and other relevant agencies if appropriate.

- People needing to move to a particular locality in the district of the authority, where failure to meet this need would cause hardship to themselves or others.

3.46 **Band C** will consist of all other applicants who do not have a priority to move, due to them wanting to move rather than having any need to move, as a result of which they will not have been afforded an additional preference nor will they be entitled to a reasonable preference.

3.47 **Band D** will consist of applicants from band A or B or C who have exhausted the right to refuse an allocation of social rented housing or have failed to bid on more than three occasions where a suitable property would have been available. Applicants will remain in band D for a period of 12 months.

3.48 Implementing the new policy and the new IT System to support this will require all existing applicants on the register to be reassessed against the new policy. Some existing applicants may not qualify under the new rules and some may be reassessed into new priority bandings. This however is consistent and can occur under the current policy as part of the review of applications that are undertaken or when an applicant has a material change of circumstances. The process for how reassessments will be undertaken of existing applicants and how this will be communicated to them, will form part of the implementation plans as this will be heavily dependent upon the procurement process and the functionality of the new IT system. Members however should note for those who qualify, in the main the following will apply - applicants in the current Band A will primarily remain in the new proposed band A. Applicants in the current band B and C would primarily be placed in the new proposed band B. Applicants in the current band D and E would primarily be placed in the new proposed Band C. Applicants in the current Band F would be placed in the proposed new band D. In future it is proposed that all bandings and prioritisation of people within them will be consistently applied across all local authorities.

### 3.49 **Other matters**

3.50 A range of minor amendments are being made to the information people are provided, how applications are handled, how decisions are made, and how reviews are carried out to ensure that this provides greater clarity, greater information and is in line with statutory guidance.

- 3.51 Other amendments that are being made include matters relating to local lettings schemes, avoiding discrimination and enhancing equality of opportunity, ensuring the best interest of children when allocations are made, the way discretion is applied to individual cases, the way any future changes about the rules will be publicised, how direct flights will be administered, how people can make applications to housing associations, details of nominations agreements and specific matters relating to transfer tenants.
- 3.52 Matters relating to the contracting out of the administration of housing allocation functions are outside the scope of the proposed new rules.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are no additional revenue implications arising from the proposals in this report.
- 4.2 There will be an upfront capital cost in relation to the purchase of a new IT system and an associated £70,000 capital budget has been approved previously, under delegated authority on 23rd October 2020, and forms part of the capital programme. All Scheme Member local authorities have already committed financially and operationally to the procurement exercise in respect of the IT system, which is required irrespective of the new policy being implemented given that the current contract is due to expire shortly.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 The Council must adhere to the law regarding the allocation of Social Rented Housing, as set out in the Housing Act 1996, Part 6 Allocation of Housing Accommodation.
- 5.2 The proposed policy has been tested for compliance with legislation by external counsel, specifically around aspects such as prioritisation, additional/reasonable preference, eligibility, qualification and local connection. The advice given has been reflected in the final version of the policy to ensure that the new policy is fit for purpose.
- 5.3 The award of contract will be made on the basis of the most economically advantageous tender (MEAT) scoring. The meaning of MEAT is currently governed by the Public Contract Regulations 2015. As criteria for the assessment of tenders on the basis of the best price-quality ratio, MEAT will always predominantly contain a cost or quality element, but the MEAT criteria may also include assessment on the basis of various other criteria linked to the subject-matter of the contract in question, including lifecycle costing and environmental or social aspects. For example, particular award criteria may take into account the inclusion of vulnerable and disadvantaged people, local wealth building, training and educational aspects or the use of non-toxic substances in the production process to deliver the requirement. The Council's Contract Procedure Rules (Standing Orders) set out how contracts are to be awarded by the Council, which will include reference to the Council's Procurement Strategy and Social Value Policy.

- 5.4 Should the authorised officer wish to award the contract via a tender which does not hold the highest MEAT score or where the costs of the award will exceed the relevant budget, the matter will be referred back to this Committee for consideration.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There is the need to procure a new IT system to support the operation of a new allocations scheme.
- 6.2 Arising from this, there may be further short-term staffing implications in order to facilitate the migration of data and subsequent system testing associated with the implementation of the new system. The system testing will be shared across the LCR partnership, and any pressures will be managed within the Housing Division's existing budget provision.
- 6.3 In respect of the recruitment of a Sub-regional Co-ordinator post, which has been previously approved under delegated authority, Members are asked to support the recruitment of this post to Wirral Council, which will be funded jointly between the five participating LA areas, but whose workplan will be managed jointly through the PPP Contract Board.

## **7.0 RELEVANT RISKS**

- 7.1 The Local Authority has a public law duty to accept applications from any member of the public, for an allocation of social rented housing. Failure to operate such an allocation system will mean the Council is in breach of this duty.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 A formal public consultation has been conducted, as required in law. The nature and form of this consultation was approved under delegated authority of the Director of Regeneration & Place and was shared with members prior to consultation.
- 8.2 Consultation on the amended scheme rules also took place with Registered Providers during 2020, the feedback for which has informed the final version of the policy.
- 8.3 The consultation was open to any member of the public, asking a number of questions in a set survey questionnaire, including an easy read version of the survey. These questions were accessed via a Survey Monkey link from the Property Pool Plus website and each Local Authorities respective websites. The draft Allocations Policy scheme was provided for reference. The consultation and survey were aimed at as many residents within the borough of Wirral as possible and specifically those residents currently on the Housing Register for social housing with Property Pool Plus, Participating Registered Social Landlords, other referring agencies, and other key public sector agencies. The Consultation period ran from the 18th November 2020 to the 10th February 2021 and a summary of which can be found in **Appendix 2**.

8.4 A total of 4,344 individuals responded to the consultation, along with 4 organisations. 36% of all respondents were from Liverpool, which is reflective of City residents equating to one-third of the population of the Liverpool City Region, with respondents from the Wirral area representing the second largest at 22.6% which is positive and welcomed

	Halton	Knowsley	Liverpool	Sefton	Wirral	Total
Individual	433	657	1,593	718	993	4,394
on behalf of an organisation	0	1	2	1	0	4
Grand Total	433	658	1,595	719	993	4,398

## 9.0 EQUALITY IMPLICATIONS

9.1 An Equality Impact Assessment regarding the proposed new policy has been undertaken, and can be found at the following link: <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

## 10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct climate emergency implications arising directly from the allocations policy however standards within the social sector are regulated with clear targets set as part of the decarbonisation agenda, thereby offering people who need it a better quality and standard of homes within a regulated market.

## 11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 Many vulnerable people rely on accessing social housing for a home to live in and providing access to a stable home supports community wealth building in providing sustainable and resilient communities. The opportunity to have a settled affordable accommodation also offers stability for employment and enables people to thrive, particularly those with vulnerabilities.

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## APPENDICES

**Appendix 1** Proposed Property Pool Plus Allocations Policy.

**Appendix 2:** Summary of Consultation Responses

## BACKGROUND PAPERS

Officer Decision Notice - Proposed amendments to Property Pool Plus Housing Allocations Policy and Procedure for consultation

<https://democracy.wirral.gov.uk/documents/s50070682/ODN%20PPP%20Notice.docx.pdf>

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date

# **Property Pool Plus**

A common housing allocation scheme between Halton Borough Council, Knowsley Metropolitan Borough Council, Liverpool City Council, Sefton Metropolitan Borough Council and Wirral Metropolitan Borough Council.

**December 2021**

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# 1.0 Overview

## 1.1.0 Introduction

- 1.1.1 Halton Borough Council (“**Halton**”), Knowsley Metropolitan Borough Council (“**Knowsley**”), Liverpool City Council (“**Liverpool**”), Sefton Metropolitan Borough Council (“**Sefton**”) and Wirral Metropolitan Borough Council (“**Wirral**”) are local housing authorities, which have chosen to operate a common housing allocation scheme, under the name Property Pool Plus.
- 1.1.2 There is a legal requirement for all English local housing authorities to have a scheme for the allocation of social rented housing, regardless of whether they own or manage any social rented housing. All local housing authorities which are members of the scheme previously undertook a voluntary transfer of their housing accommodation. Both Liverpool and Wirral have subsequently built a small number of new units and other participating local authorities may do the same in the future.
- 1.1.3 Throughout this Scheme, a reference to the “**Local Authority**” means all of those authorities and/or each relevant authority as appropriate.
- 1.1.4 The Local Authority’s housing allocations functions are regulated by the Local Government and Social Care Ombudsman.
- 1.1.5 This Scheme explains how people can apply for an allocation of social rented housing, how the Local Authority will allocate social rented housing and the extent of choice applicants will be offered.
- 1.1.6 The Local Authority is permitted to contract out the administration of specific public law housing allocation functions to a third party. Any such arrangements that might be in force are outside the scope of this Scheme. Where such arrangements have been established, any reference made in this Scheme to the Local Authority automatically extend to any third party appointed to undertake such administration.
- 1.1.7 The Local Authority will provide general information via the Property Pool Plus website about the social housing stock in its area. <https://www.propertypoolplus.org.uk>

## 1.2.0 Purpose of this Scheme

- 1.2.1 The Housing and Regeneration Act 2008 defines social housing as low-cost homes for rent and sale to people whose housing needs cannot be met by the general housing market. This Scheme shall demonstrate how the Local Authority will allocate social rented housing to:
- a. persons applying to become a social housing tenant; and
  - b. secure/assured tenants seeking to move to another dwelling house (“**Transfer Applicants**”), let under secure/assured tenancies.
- The Local Authority intends to allocate homes in a fair, transparent and effective way, that prioritises applicants who are most in need, is lawful and makes best use of the homes available.

- 1.2.2 This Scheme explains how priority between applicants will be determined and the arrangements for nominating applicants for homes owned by private registered providers of social housing (“**Registered Providers**”), who own and/or manage social rented housing in the Local Authority area.
- 1.2.3 A copy of this Scheme will be made available to any person who requests one. A summary is also available. A copy has been sent to the Regulator of Social Housing and the Local Government & Social Care Ombudsman.
- 1.2.4 This Scheme has been framed with consideration to the housing requirements of current and future potential tenants. Most applicants will be afforded choice in the lettings offered to them in that they will be able to express a preference of the available properties that meet their housing needs. Any issues of overcrowding and under-occupation will be fully taken account of when an allocation is made.

### **1.3.0 Principles of this Scheme**

- 1.3.1 This Scheme has been formulated with regard to the law and regulatory requirements, including:
1. Housing Act 1985
  2. Housing Act 1996
  3. Homelessness Act 2002
  4. Homelessness Reduction Act 2020
  5. Housing and Regeneration Act 2008
  6. Localism Act 2011
  7. Armed Forces Act 2006
  8. Asylum and Immigration Act 1996
  9. Immigration and Asylum Act 1999
  10. Children Act 2004
  11. Equality Act 2010
  12. Data Protection Act 2018
  13. European Union (Withdrawal Agreement) Act 2020
  14. Statutory guidance:
    - a. Allocation of accommodation: guidance for local authorities, December 2020, updated September 2021
    - b. Providing social housing for local people, December 2013
    - c. Right to Move and social housing allocations, March 2015
    - d. Improving access to social housing for victims of domestic abuse, November 2018
    - e. Improving access to social housing for members of the Armed Forces, June 2020
  15. The regulatory standards for registered providers of social housing in England:
    - a. Tenancy Standard, published April 2012
- 1.3.2 Case law from the English and Welsh Courts has also been taken into consideration.

- 1.3.3 This Scheme only relates to the allocation of social rented housing in Halton, Knowsley, Liverpool, Sefton and Wirral, excluding extra care social rented housing (which will be subject to separate arrangements), but which extends to:
1. Affordable rent social housing.
  2. General needs social housing.
  3. Affordable rent supported housing.
  4. General needs supported housing.
- 1.3.4 For the purpose of this Scheme, an “**allocation**” is defined as occurring when the Local Authority select an applicant to be a secure or introductory tenant of social rented housing held by the Local Authority, or nominates a person to be an assured tenant (encompassing flexible and affordable tenancies) of social rented housing held by a Registered Provider, subject to certain exceptions.
- 1.3.5 Actual entry by an applicant into a tenancy agreement for a particular property is beyond the scope of this Scheme. The law and regulations instruct registered providers to publish rules and policies about how housing allocations will be made. Applicants should consult individual Registered Providers for their rules and policies concerning allocation of social rented housing. Copies of which are available from the Local Authority.
- 1.3.6 There are exceptions to the position set out above in 1.3.4 as detailed below. There will not have been an allocation in any of the following cases. The Local Authority and/or registered providers shall have their own rules and policies for these matters, which should be referenced for further details:
1. The granting of a tenancy that is not of the type specified in the legal definition of allocation, such as one without security of tenure (e.g. a ‘family intervention tenancy’, , temporary accommodation provided to homeless households that are owed a duty of assistance, etc).
  2. Granting a tenancy to a person who is currently and lawfully occupying a property held on a family intervention tenancy.
  3. The vesting (by succession) of a periodic secure or introductory tenancy on the death of the current tenant.
  4. The devolution of a fixed term secure tenancy on the death of a tenant.
  5. The assignment of a secure tenancy as part of a mutual exchange.
  6. The assignment of a secure or introductory tenancy to a person who would have been qualified to succeed to the tenancy on a tenant’s death.
  7. The vesting or disposal of a secure or introductory tenancy pursuant to a court order made under the following provisions of family law statutes:
    - a. section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings);
    - b. section 71 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce);
    - c. paragraph 1 of schedule 1 of the Children Act 1989 (orders for financial relief against parents); and
    - d. schedule 7, Part 2 of the Family Law Act 1996 (orders for moving a tenancy from an existing tenant to a new tenant).
  8. The vesting or disposal of a secure or introductory tenancy pursuant to an order made under Part 2 of schedule 5, or paragraph 9(2) or (3) of schedule 7, to the Civil

Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership).

9. A transfer initiated by a private registered provider of social housing of a secure or introductory tenancy (i.e. not initiated by an application for a transfer by the tenant).
10. A tenancy being granted as part of a surrender and re-grant where two social housing tenants wish to exchange their homes and one tenant holds a flexible tenancy or an assured shorthold tenancy.
11. Where a tenant has been displaced from previous accommodation and has been provided with suitable alternative accommodation under the Land Compensation Act 1973.
12. The granting of a secure tenancy to a former owner-occupier or statutory tenant of a defective dwelling house acquired by the Local Authority.
13. The granting of a secure tenancy to a person who is already a secure tenant or an assured tenant of a private registered provider of social housing unless the person applies for a transfer and is entitled to a statutory reasonable preference.

1.3.7 When drawing up this Scheme, the Local Authority has consulted with the Liverpool City Region Combined Authority, along with the following bodies and person located within the Liverpool City Region; local housing authorities, registered providers (who hold stock in the Liverpool City Region), public authorities, voluntary organisations, and other persons, plus previous, current and future potential tenants. Regard was had to the current:

1. *Halton Homelessness Strategy*
2. *Knowsley Homelessness Strategy*
3. *Liverpool Homelessness Strategy*
4. *Sefton Homelessness Strategy*
5. *Wirral Homelessness Strategy*
6. *Liverpool City Region Tenancy Strategy 2021-26*

1.3.8 The Local Authority will take such steps as it considers reasonable (e.g. by making contact via email, telephone, or letter, or by placing a notification on the Property Pool Plus Website or the Local Authority website, or via another suitable form of communication), within a reasonable period of time, to bring to the attention of those likely to be affected by it:

- a. any alterations made to this Scheme,
- b. any subsequent alteration to this Scheme that would affect the relative priority of a large number of applicants; and
- c. any significant alteration to any associated procedures for administering this Scheme.

1.3.9 Elected Councillors of the Local Authority are prohibited from making decisions about any individual allocation pertaining to any accommodation situated in their electoral ward area or any person who is resident in their electoral ward area. Elected Councillors may seek to obtain general information about the allocation of housing, can represent their constituents and discuss their cases with Property Pool Plus administrators. Elected Councillors should participate in making decisions about the overall content of this Scheme. Elected Councillors should consider whether the Local Authority's Code of Conduct requires them to declare an interest before participating in such deliberations. If in any doubt, the advice of the Local Authority's Monitoring Officer should be obtained. The Local Authority arranges for Elected Councillors to be provided with suitable training in these matters.

- 1.3.10 Copies of this Scheme are made available by the Local Authority to any person who requests one. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. People will be informed about their rights to information, advice and assistance concerning Property Pool Plus. For further information, see section 2 of these rules and procedures.
- 1.3.11 People will not be able to join Property Pool Plus if they are either not eligible for an allocation of social housing or match the disqualification criterion set out in this Scheme. For further information, see section 3 of this Scheme.
- 1.3.12 Applicants will be prioritised for an allocation by Band, then the date they were placed in the current band they have been afforded, then whether they are making a community contribution. For further information, see section 4 of this Scheme.
- 1.3.13 Applicants will be allowed to express a preference for the homes available to let. This will be subject to certain limitations. Applicants will be penalised for refusing reasonable offers. For further information, see section 5 of this Scheme.

#### **1.4.0 Consultation**

- 1.4.1 The Local Authority carried out consultation on how it intends to prioritise the allocation of social rented housing. Applicants who were members of Property Pool Plus and other people, such as advocates for people from all of the protected characteristics groups, as the Local Authority deemed appropriate, were consulted before finalising this Scheme.
- 1.4.2 The Local Authority has published a report on the consultation of this Scheme, on the outcomes of the consultation and changes that have been made to the Property Pool Plus.
- 1.4.3 A variety of consultation methods, such as focus groups and online surveys, were used to solicit opinions. The Local Authority has taken account of the needs of specific groups, such as persons with a disability, or learning and support need. An Equality Impact Assessment has been completed in conjunction with adopting this Scheme.
- 1.4.4 This Scheme will be reviewed by the Local Authority at least every two years (and more often if required, for example due to legislative or regulatory changes) in conjunction with applicants and other appropriate persons or organisations.
- 1.4.5 Any major changes to this Scheme that will affect the relative priority of a large number of people have been communicated in writing (using email, letter or notification via the Property Pool Plus website) to potential applicants that might be affected.

## 2.0 Information, Applications and Decision-Making

### 2.1.0 Information

- 2.1.1 The Local Authority will provide a summary of this Scheme free to any person who asks for one. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. The whole of this Scheme will be kept available for inspection by any person at the principal offices of the Local Authority. The Local Authority will provide a copy to anyone who asks for one. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. The Local Authority will also publish this Scheme on its websites, including the Property Pool Plus website. The Local Authority will provide, information via the Property Pool Plus website, about:
1. The rules associated with initial consideration of an applicant's application, plus the treatment of any nomination made by the Local Authority for social rented housing to a Registered Provider.
  2. Potential stock availability.
  3. Eligibility, qualification and prioritisation criterion for joining Property Pool Plus and being offered a nomination of social rented housing.
- 2.1.2 The Local Authority will provide general information via the Property Pool Plus website about the social housing stock in its area. <https://www.propertypoolplus.org.uk>
- 2.1.3 The Local Authority will provide the following information via the Property Pool Plus website for any given dwelling, wherever it is made available by the Local Authority or registered providers:
1. Type (e.g. house, flat, bungalow, etc), size (e.g. number of bedrooms, bathrooms, etc) and location (e.g. by electoral ward).
  2. Whether it is already accessible for people with disabilities or could be adapted to be so.
  3. Whether there is access to a shared or private garden.
  4. How old it is.
  5. An indication of how frequently it is likely to become available.
  6. An indication of the cost of running it.
- 2.1.4 The Local Authority will consider requests for information in translated and alternative formats (e.g. Braille, large print, audio etc) and provide materials as relevant. The special needs of specific groups of prospective applicants (e.g. the housebound, prisoners, gypsies and travellers, etc), will be taken account of when making any arrangement to access and provide information and advice. Information will be made available using a variety of media, including printed hard copy form, on the website of the Local Authority and the Property Pool Plus website and via the telephone.
- 2.1.5 The Local Authority will provide any person who requests it with information (e.g. in a suitable written format) and advice (e.g. via the phone or in person) about their rights to make an application for an allocation of social rented housing. Furthermore, the Local Authority will freely help any person who is likely to have difficulty in making an application to join Property Pool Plus. This assistance will include (this list is not intended to be exhaustive):

1. Completing any form that might exist
2. Explain what evidence might be required for the Local Authority determine any eligibility and qualification criterion that might be in force and help collect this evidence for assessment
3. Explain what evidence might be required to determine the degree of priority for when allocations are made and help collect this evidence for assessment
4. Explain what evidence might be required to help determine the type of property should be allocated and help collect this evidence for assessment

2.1.6 The Local Authority will provide every applicant with the following general information by email or letter or other suitable written format (as applicable at the different stages of an application being processed), accompanied by a free summary of this Procedure:

1. How their application is likely to be treated.
2. Whether or not they have been accepted as being eligible for an allocation or any reasons for being determined as ineligible
3. Whether or not they qualify to join Property Pool Plus and the reasons for being disqualified.
4. The property size they are eligible for.
5. The method that will be used in assessing their needs.
6. The number of other applicants on the register.
7. An assessment of the likely time that they will have to wait to receive an offer by reference to average waiting time or the number of allocations of similar properties, based on data available for the most recent data available.
8. Any facts about the applicant's case which have been or will be taken account of when making decisions.
9. The right to request a review of any decision that they are not eligible and/or do not qualify to join the Property Pool Plus or concerning an allocation or nomination of social rented housing.
10. Any review decision, along with the grounds for that decision in a written acknowledgement.
11. The right to seek a judicial review on any point of law where this Procedure (or the administration of it) is irrational, illegal, or fails to follow public law procedural requirements.

2.1.7 The Local Authority will advise either orally or in writing all persons that equalities information will be collected, to enable a better understanding of peoples' housing needs and to ensure that no one is discriminated against as a result of the way this Scheme has been framed, or during the administration of it. People will be informed either orally or in writing as to how such data will be used, handled, and stored.

2.1.8 The Local Authority is subject to the information disclosure requirements of the Data Protection Act 2018. The administration of this Scheme will ensure compliance with this legislation. For further information please reference the Local Authority's *Data Protection Policy*. Applicants will be advised of their right to make a complaint to the Office of the Information Commissioner ("ICO") if they believe the Local Authority has failed to fulfil its obligations and responsibilities as set out in the Data Protection Act 1998. Concerns can be reported by telephoning the ICO's helpline on 0303 123 1113 or online at <https://ico.org.uk/concerns/>

2.1.9 All persons making an application to join Property Pool Plus, have the right to confidentiality. An application will not be divulged to any other party without an applicant's consent, unless it gives rise to a safeguarding concern. An applicant will be asked to give consent to share relevant details of their application, with relevant third-party organisations, such as public authorities, private registered providers, voluntary organisations and others. Where consent is given, this only extends to those who can provide evidence that can help to determine an application and/or who need to know to process an allocation (e.g. employees of health, social care, criminal justice, social housing organisations, etc). For further information, please refer to the Local Authority's *Information Sharing Protocol*.

## **2.2.0 Applications**

2.2.1 Each applicant will be provided with a user account that they will be able to securely log into via the Scheme website. The Local Authority will primarily communicate with applicants via their user account, to include but not limited to, for example, to provide them with information and advice, give assistance, issue warnings about fraud, seek further evidence or clarify matters relating to evidence already submitted, make notifications as whether someone is eligible and qualifies to join the Scheme, confirm whether an applicant wish to accept an offer of an allocation and other matters relating to their application. Whenever necessary, the Local Authority will also communicate with applicants via other means, such as email, telephone/videotelephone, letter/leaflet or in-person, etc, such as when they are having difficulty using their Scheme user account, this includes where a person with a protected characteristic, needs or asks for an alternative.

2.2.2 All applications must be made using the prescribed online form published by the Local Authority. Whenever necessary, the Local Authority will also arrange for applications to be completed by other means, such as when an applicant is having difficulty completing the prescribed online form, this includes where a person with a protected characteristic, needs or asks for an alternative. Copies can be accessed from the Property Pool Plus website. Applications can only be made by a sole individual, all other persons who might presently live with the applicant can feature as usual household members. Applications are welcomed from persons who live at two separate addresses, but who wish to live together at one single address, one person will have to feature as the applicant (although an applicant together with one or more other persons can enter into a joint tenancy with a registered provider, subject to such an organisation's acquiescence), with the other person(s) featuring as usual a household member. Anyone who might usually reside with an applicant, or who might reasonably be expected to reside with an applicant, can feature as part of the application. A usual household member is a person who primarily (for at least 50% of a reasonable period of time, e.g. week, month) or exclusively lives with an applicant. People who usually live with the applicant but are temporarily absent due to circumstances beyond their control (e.g. care of a local authority, hospital, armed forces, etc), are also considered a usual household member.

2.2.3 In addition to the application, the following documents (where available) must be submitted as evidence to verify the information provided by the main applicant, plus any other person who might reside with the applicant:

1. Passport, to help determine eligibility to rent social housing in England.
2. A utility or Council Tax bill from the past three months, to help determine eligibility to rent social housing in England.

3. Birth certificate, to help determine qualification to join the Property Pool Plus.
4. Details of any relevant unspent convictions (see section 3.2.4), to help determine qualification to join Property Pool Plus.
5. All financial records from the past three months relating to income and savings, to help determine qualification to join Property Pool Plus,
6. All legal records relating to property ownership to help determine qualification to join Property Pool Plus.
7. Any other information that helps to determine eligibility to rent social housing in England and/or qualification to join Property Pool Plus.

2.2.4 The Local Authority will receive applications from any person, regardless of where they currently reside, and this extends to persons of no fixed abode. All applicants will be required to renew their application annually, from the anniversary of being accepted to join Property Pool Plus. Failure to renew an application will result in an application being closed and membership of Property Pool Plus being discontinued. Applicants will be reminded via notification issued on the Property Pool Plus website, or email or letter and will have 28 days from receipt of this information to comply with the renewal request. If an applicant fails to comply with the renewal request within the allotted timeframe, further contact, using the same methods described above, will be made and they will be afforded a further 28 days to renew their application, Failure to comply during the second 28-day period will result in an applicant being removed from Property Pool Plus.

2.2.5 Every applicant will be provided with advice about offences in relation to applications, prior to making an application. Applicants will be disqualified, and might be prosecuted, if they deliberately withhold information, provide misleading information, or do not notify the Local Authority of any change in circumstances (e.g. change in income, change in household formation). A warning will include the following facts: a person guilty of such an offence could be liable to pay a fine (with no maximum) and may also face prosecution for fraud which can result in imprisonment.

2.2.6 The Local Authority will provide every applicant with information and advice (in writing or orally, electronically or in person) about their rights to make an application for an allocation of social rented housing. Furthermore, assistance (such as explain the steps for making and determining an application, collecting evidence to determine eligibility and qualification for an allocation, the degree of choice they are entitled to and how applicants are prioritised for an allocation) will be provided free of charge to any person who is likely to have difficulty in making an application (e.g. due to mental or physical impairment, or because of any other special characteristic) to join Property Pool Plus. This assistance will be extended to those who might require help to express a preference for an available property to let. The Local Authority is subject to the Equality Act 2010 which has been duly considered when formulating this Procedure (and any associated rules, procedures, policies and processes). A separate *Equality Impact Assessment* has been completed and copies can be requested from the Local Authority or downloaded from the Property Pool Plus website. The *Equality Impact Assessment* has identified any potential impact on people with a protected characteristic, showing these as positive, negative or negligible, plus includes actions to mitigate any such negative impacts. This Scheme aligns with the Local Authority's *Strategic Equalities Plan*. To ensure compliance with public sector equality duties, the following arrangements will be made by the Local Authority and/or Registered Providers for each individual applicant and property:

1. A mechanism (e.g. assistance provided via the Property Pool Plus website, phone, or in person) for providing support in making applications.
2. A mechanism (e.g. a specific question on the online application) to identify the requirements of disabled applicants.
3. Informing an applicant of a property's accessible features (e.g. via the Property Pool Plus website, or by email or letter, on the phone or in person) or by any other necessary means) Whenever properties with accessible features are advertised via the Scheme website, they will be marked as such.
4. A mechanism (e.g. at the stage of offer or nomination from the Local Authority to a registered provider) to allow a request for extra time, for disabled applicants if they need it to accept an offer.

2.2.7 The Local Authority will process applications this will involve a preliminary assessment. Firstly, consideration will be given to whether the applicant is eligible for social rented housing in accordance with the law. It will then be determined if an applicant qualifies to join Property Pool Plus under the terms of this Scheme. For further information on eligibility and qualification, please see section 3 of this Scheme. Detailed scrutiny will take place when an applicant is due to be allocated or nominated for a particular property, to determine whether the applicant:

1. Is still eligible.
2. Is still a qualifying person.
3. Meets any specific lettings criteria for the particular property (e.g. due to a Local Lettings Scheme being in force (see section 4.3.0 for further details), or the having accessible features suitable for a person with a disability).
4. Has a household size that matches any size criteria for the property.

2.2.8 The Local Authority will process applications within a reasonable period of time (relative the particulars of any given application) after all documentation has been received. Upon receipt of an application, the Local Authority will inform the applicant of its complaints procedure and how they may seek the help of the Local Government & Social Care Ombudsman. Complaints can be made by:

1. Telephone: 0300 061 0614
2. Online: <https://www.lgo.org.uk/contact-us>

2.2.9 The Local Authority will accept applications from its current tenants of that of registered providers, for transfers ("**Transfer Applicants**") to alternative social rented housing available in Halton, Knowsley, Liverpool, Sefton and Wirral. Such applicants have the right to:

1. Make applications.
2. Have their applications considered.
3. Be notified as to their rights to information and review.
4. Confidentiality of the fact of their application.

2.2.10 The Local Authority will initially treat Transfer Applicants in the same way as all other applicants, except that there will no inquiries made about eligibility. This is because the law dictates that all current tenants of social housing are eligible for a further allocation of social housing accommodation regardless of their immigration or habitual residence status. Transfer Applicants will be prioritised in the same way as new applicants (e.g. by housing need and then date of banding, then community contribution). Transfer Applicants will not

be offered an allocation that would result in them under-occupying the dwelling (against the definition used by the Department of Work Pensions to determine claims for help with housing costs), being overcrowded by the Bedroom Standard or being unable to afford any possible rental or service charges at the date an allocation or nomination is made. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment completed at the same time an offer is made, but prior to a letting being agreed. Transfer Applicants will be required to satisfy the qualification criterion set out in this Scheme.

2.2.11 The Local Authority will handle applications as per the provisions contained in this Scheme. Any application which gives the Local Authority a reason to believe a person may be homeless or threatened with homelessness, will trigger inquiries as to what duty of assistance, if any is owed under Housing Act 1996, Part 7 (as amended). Such inquiries and any subsequent assistance a person might be entitled to are outside the scope of this Scheme. The Local Authority has separate arrangements in force to administer public law homelessness duties. Contact details for which are as follows:

<b>Local Authority</b>	<b>Homelessness Service Contact Number</b>	<b>Email Address</b>
Halton	0151 511 7979	Housing.solutionsteam@halton.gov.uk
Knowsley	0151 443 2333	housingsolutions@knowsley.gov.uk
Liverpool	0151 233 3044	HousingOptionsService@liverpool.gov.uk
Sefton	0151 934 3541	Housing.Options@sefton.gov.uk
Wirral	0151 666 5511	housingoptions@wirral.gov.uk

2.2.12 Specific procedures have been published for administering the following matters and are available as the following Appendices:

1. Appendix 1 – Initial Enquiries Procedure
2. Appendix 2 – Application Procedure
3. Appendix 3 – Discretion Procedure
4. Appendix 4 – Request a Review Procedure
5. Appendix 5 – Advertising Options (Overcrowding) Procedure

2.2.13 Decisions about whether an applicant is eligible for an allocation of social rented housing and qualifies to join Property Pool Plus will be made in strict accordance with the rules established by this Scheme. Reviews will be carried out in strict accordance with the rules established by this Scheme. The discretionary power (available in Appendix 3) to allow an applicant to be treated as qualified to join Property Pool Plus outside the criteria set out below and/or prioritise them for an allocation or nomination of social rented housing is limited to a designated senior officer with responsibility for administering housing allocation functions for the Local Authority. The aforementioned senior employee(s) will be responsible for minimising the risk of employee fraud and errors, including the vetting of junior employees and randomly checking and validating decisions on applications. Consideration of an application will be based on the information provided on the application form, plus any evidence supplied by an applicant (e.g. proofs of identify, etc), or information gained from public bodies (e.g. prisons, young offender institutes, secure training centres, secure colleges, youth offending teams, probation services, DWP/Jobcentre Plus, social services authorities (adult social services and child social care), NHS Trusts and NHS

Foundation Trusts, Ministry of Defence, general medical practitioners, schools, police, etc) Registered Providers, voluntary organisations and any other persons or organisation that might be able to provide or verify evidence relevant to a person's application).

- 2.2.14 Unsuccessful applicants, who have been declared not eligible for an allocation of social rented housing or disqualified from joining Property Pool Plus, will be informed that they can make a further application whenever they believe there has been a material change to their circumstances. They will also be informed of their right to a review (see Appendix 4).
- 2.2.15 Upon initially receiving an application, the Local Authority will, under the application procedure set out in Appendix 2:
1. Confirm accuracy of all information provided by an Applicant. Where information is inaccurate or missing, the Local Authority will contact the applicant notifying them of this and requesting that they provide further relevant information. Where information requires verifying by a third party (e.g. housing, health, social care or other professional), the Local Authority will contact the relevant party and seek their opinion about the applicant's circumstances at the date of their application and how this affects their housing needs.
  2. Confirm whether an applicant is eligible for an allocation of social rented housing, in accordance with the criteria set out in section 3.1.0.
  3. Confirm whether an applicant is qualifying or is disqualified for an allocation of social rented housing, in accordance with the criteria set out in section 3.2.0:
    - i. If the applicant has applied on the grounds of being homeless or owed a homelessness duty, ascertain whether or not the applicant has already made an application of homelessness assistance.
      1. If yes, subject to the applicant's acquiescence, access the Local Authority's homelessness database for information relevant to the applicant's application for an allocation of social rented housing.
      2. If no, subject to the applicant's acquiescence, arrange for the applicant to make an application for homelessness assistance and share any information from the applicant's application for an allocation of social rented housing that might be relevant to their application for homelessness assistance.
    - ii. If an applicant has applied on the grounds that their existing accommodation is overcrowded, follow the steps set out in Appendix 5, section 2.1.0.
  4. Confirm an applicant's priority for an allocation of social rented housing, in accordance with the criteria set out in section 4.2.0.
  5. Confirm the best interests of any children that might need to be taken account of, in accordance with the arrangements set out in section 4.5.0.
  6. Confirm whether an applicant's circumstances warrant any discretion needing to be exercised, in accordance with the arrangements set out in section 4.6.0.
  7. Confirm the degree of choice an applicant is entitled to express, in accordance with the arrangements set out in section 5.1.0.
  8. Confirm what would constitute a reasonable offer of accommodation, in accordance with the criteria set out in section 5.16.

- i. Affordability will be determined in accordance with the criteria set out in Appendix 1.
- ii. Bedroom entitlement will be determined in accordance with the criteria set out in Appendix 2, section 2.2.0.

2.2.16 Subsequent to completing the set-out section 2.214, the Local Authority will inform an applicant:

1. Whether they are or are not eligible for an allocation of social rented housing and of their right to request a review of this decision, in accordance with section 2.4.0.
2. Whether they are qualifying or disqualified from joining the Scheme and of their right to request a review of this decision, in accordance with section 2.4.0.
3. The priority they have been afforded (e.g. the Band they have been placed in) for an allocation of social rented housing and of their right to request a review of this decision, in accordance with section 2.4.0.
4. That the best interests of any children will be taken account of, including any necessity to contact children social services as part of this.
5. Whether or not their circumstances warrant any discretion needing to be exercised.
6. The degree of choice they will be entitled to express.
7. The extent of their household and the type of social rented housing they will be considered for and of their right to request a review of this decision, in accordance with section 2.4.0

2.2.17 Applicants that are eligible and qualify to join Property Pool Plus, shall join the Scheme in accordance with the date their application was first received by the Local Authority.

2.2.18 The above steps will be repeated whenever the applicant notifies the Local Authority of a change of circumstances and also at the point the Local Authority will make an offer or a nomination of social rented housing to an applicant.

### **2.3.0 Decision-Making**

2.3.1 Decisions on applications will be notified in writing (either in the form of an email or a letter when the applicant has not supplied an email address, via notification on the Property Pool website), regardless of whether they are adverse or successful. Where the notification confirms a successful decision, applicants will also be told when realistically they might be offered a letting of social rented housing.

2.3.2 Where the notification confirms a decision that an applicant is ineligible for an allocation of social rented housing or disqualified from joining Property Pool Plus, the applicant will be given reasons for the decision based on the relevant facts of the case. Additional arrangements will be made for applicants who might have difficulty understanding the implications of the decision to be informed orally (e.g. via a telephone call or in person). Copies of all adverse decisions can be made available for a reasonable period of time for collection by the applicants, or by someone on their behalf (with consent), when an applicant has not provided either an email address or postal address.

2.3.3 Decisions about applications made by employees of the Local Authority, will be made as per the rules set out in this Scheme. However, all such decisions will be verified via a series of random checks by a designated senior officer with responsibility for administering

housing allocation functions for the Local Authority. Applicants will be asked at the point of making an application, whether they (or anyone who lives with them or might reasonably be expected to live with them) are an employee of the Local Authority. Where a person affirms on their application that they (or a usual household member), is an employee of the Local Authority, they will be notified of the process to deal with any conflicts of interest which will involve a senior officer processing the application and ensuring that it is dealt with impartially without any reference to the relevant employee. The same principle will be applied to relatives of persons who are employed by the Local Authority.

## **2.4.0 Reviews**

- 2.4.1 Applicants will be informed of their right to request a review, (as set out in Appendix 4) within 21 calendar days of receiving a decision about their housing application, of any of the decisions shown below:
1. That an applicant is not eligible for an allocation of social rented housing, due to being subject to immigration control or being an ineligible person from abroad.
  2. That an applicant is not within a class of persons qualifying to join the Property Pool Plus.
  3. The degree of preference they have been afforded under Property Pool Plus, including any changes made to the degree of preference they are entitled to.
  4. The facts of their case which are likely to be, or have been, taken account of when deciding whether to make a nomination to a registered provider, including their medical condition or other welfare needs.
  5. The type of social rented housing for which an applicant will be considered under Property Pool Plus.
  6. The extent of an applicant's household.
  7. Whether a nomination constitutes a final offer with the terms of this Scheme.
- 2.4.2 Following the review, where a higher priority band is awarded at stage 1 or 2 of the appeals process as a result of information previously considered as part of an earlier banding decision, or as a result of further information relating to the same set of circumstances previously considered, the Band Effective date in the higher band will be the same as that which had been awarded in the lower priority band. If a priority has been refused previously, but subsequently awarded at Stage 1 or 2 of the appeals process then the Band Effective date will be the date the original decision was made.
- 2.4.3 If at stage 1 or 2 of the appeals process new information is considered as a result of a change in the applicant's circumstances resulting in a change in the priority band, the Band effective date will be the date the appeal is considered
- 2.4.4 Applicants will be informed of their right to pursue a judicial review, where they believe there is evidence that a decision is irrational, illegal or fails to follow public law procedural requirements. This includes a refusal to take an application to join Property Pool Plus. If applicants are dissatisfied with how their application and any subsequent complaint has been handled by the Local Authority, they will be informed of their right to make a claim of maladministration to the Local Government & Social Care Ombudsman (see 2.2.8).

## 3.0 Eligibility and Qualification

### 3.1.0 Eligibility

3.1.1 The following classes of persons, subject to the satisfying a habitual residency test (see section 3.1.6), will be eligible to join Property Pool Plus:

1. British citizens (constituting the nations of England, Scotland and Wales).
2. Commonwealth citizens with a right of abode in the UK immediately before 01 January 1983 who have remained commonwealth citizens throughout (excluding non-British citizens from Pakistan and South Africa, but inclusive of citizens from Gambia and Zimbabwe).
3. Irish citizens (constituting the nations of Northern Ireland and Republic of Ireland)
4. EEA Nationals (other than those from Ireland) and their family members, who
  - a. have acquired limited leave to enter and remain in the UK
  - b. were frontier working before 31 December 2020, or
  - c. are lawfully residing in the UK by 31 December 2020, but still have to apply to, or acquire status under the EU Settlement Scheme before the deadline of 30 June 2021, and are covered by the “Grace Period statutory instrument”
5. Persons exempt from immigration control (e.g. diplomats and their family members based in the UK and some military personnel).
6. Persons granted refugee status by the UK Government.
7. Persons granted exceptional or limited leave to enter or remain in the UK with condition that they and any dependents have resource to public funds (e.g. humanitarian or compassionate circumstances).
8. Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in the UK, The Channel Islands, the Isle of Man or the Republic of Ireland (defined as the Common Travel Area) (a person whose maintenance and accommodation is being sponsored must be resident in the Common Travel Area for five years since date of entry or date of sponsorship, unless the sponsor has died).
9. Persons who have humanitarian protection granted under the Immigration Rules (e.g. a person whose asylum application has failed, but they face real risk of harm if they returned to their state of origin).
10. Persons who are Afghan citizens with limited leave to enter or remain in the United Kingdom, who are habitually resident in the Common Travel Area.
11. Persons who are habitually resident in the Common Travel Area, who has Calais leave to remain under the Immigration Rules
12. Persons who are habitually resident in the Common Travel Area and who have been granted leave to remain as a stateless person under Immigration Act 1971
13. Persons who have limited leave to enter and remain in the UK as the family member of a ‘relevant person of Northern Ireland by virtue of the Immigration Rules.

3.1.2 EEA Nationals means nationals of any of the EU member states, and national of Iceland, Norway, Liechtenstein and Switzerland.

3.1.3 The following people will not be eligible to join the Property Pool Plus:

1. Persons not habitually resident in the Common Travel Area (see section 3.1.1 subsection 8 for definition):
2. EEA nationals whose only right to reside in the UK is:
  - a. Derived from their status as a jobseeker (or their status as a family member of a jobseeker)
  - b. An initial right of residence for 3 months.
  - c. Derivative right of residence because the person is the primary carer of a British citizen.
  - d. Right to reside as a result of the persons deportation, expulsion or other removal by compulsion of law from another country to the UK (including EEA nationals exercising EU Treaty rights, who were previously settled in the UK prior to deportation).
3. Persons whose only right to reside in the UK is an initial right for no more than 3 months, including those who would become an unreasonable burden on the social assistance system of the UK.
4. Persons who are excluded by section 115 of the Immigration and Asylum Act 1999 to entitlement to universal credit under Part 1 of the Welfare Reform Act 2012 or to housing benefit.

3.1.4 The granting of a tenancy agreement will be determined by the Local Authority, and each registered provider in accordance with their respective allocations policy and/or tenancy policy. Notwithstanding this, a joint tenancy cannot be granted to two or more people if any one of them is not eligible for an allocation of social rented housing. If one person is eligible, a tenancy may be granted to the eligible person.

3.1.5 Eligibility provisions do not apply to applicants who are already secure, introductory, or assured tenants of the Local Authority or a registered provider seeking to transfer.

3.1.6 Confirmation of immigration status of an applicant from abroad will be obtained, where necessary, from the Home Office by emailing [EvidenceandEnquiry@homeoffice.gsi.gov.uk](mailto:EvidenceandEnquiry@homeoffice.gsi.gov.uk)

3.1.7 Even when a person is eligible for an allocation of social rented housing, only persons who are habitually resident in the Common Travel Area will be eligible for an allocation (except persons which exempt from the requirement to be habitually resident, as defined in law or statutory guidance). If it is apparent that an applicant came to live in the UK during the previous two years, the following tests will be carried out to confirm if an applicant is habitually resident:

1. The degree of permanence in the person's residence in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man or the Channel Islands.
2. The association between a person and their place of residence.
3. Why a person has come to live in the UK
4. Whether a person is joining family or friends in the UK
5. Whether a person has accumulated a continuous period of residence prior to making their application.
6. The length of residence in another country
7. Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded.
8. A person's future intentions, employment prospects and centre of interest

9. Exemptions from the habitual residence test include EEA nationals and their family members who are workers or self-employed, or have certain permanent rights of residence, or have been removed from another country to the UK.

- 3.1.8 Persons who are subject to immigration control or are an ineligible person from abroad, will not be eligible for an allocation of social rented housing.
- 3.1.9 The Local Authority will carry out appropriate checks on an applicant's eligibility to be allocated social rented housing, but will ensure these checks are not discriminatory on the basis of race, nationality, ethnic origin, or any other protected characteristic as defined by the Equality Act 2010. The Local Authority will monitor performance in screening housing applications for immigration status to ensure that members of ethnic minorities, who are eligible for an allocation of social rented housing, do not experience unreasonably long delays while their application is being considered. Where there is any uncertainty about an applicant's immigration status, the Local Authority shall contact the Home Office. Before doing so, applicants will be advised that such inquiries will be made in order to comply with data protection legislation. The Local Authority or its administering partner will train its employees about housing allocation law and practice and the duties and responsibilities under the Equality Act 2010. The Local Authority shall ensure that language and interpretation support is available for applicants who have difficulty reading or speaking English.
- 3.1.10 The Local Authority is not subject to the duty arising from the Immigration Act 2014, part 3, chapter 1, to carry-out a 'right to rent' check on each letting. The Local Authority will only perform checks on the eligibility of any applicant, as per sections 3.1.1 – 3.1.9 of this Scheme.

### **3.2.0 Qualification**

- 3.2.1 The following rules which are equally applicable to new applicants and Transfer Applicants, explains those applicants who are disqualified from joining this Scheme.
- 3.2.2 Participants of the Liverpool City Region Combined Authority Housing First Pilot are exempt from this qualification criterion, with the exception of section 3.2.4.
- 3.2.3. An applicant who has been allocated social rented housing via this Scheme within the 12 months preceding a new application, and whose accommodation remains suitable.
- 3.2.4 An applicant that is incapable of holding a tenancy agreement, which extends to:
  1. Persons defined as a child in English and Welsh law (anyone aged 0 - 17 inclusive). An exemption will apply to an applicant who is a child aged 16 or 17, (who may or may not also feature another person(s) aged 16 or 17 as a usual household member(s)), where a tenancy can be granted to a third party (e.g. an adult relative or social worker, etc), 'a trustee', and held on trust for the child until they reach the age of 18 years. An exemption will also apply of if there is a person aged 18 years or over who willing to enter into a joint tenancy agreement with a child.
  2. Persons defined as a child in need as a result of a statutory assessment carried out in accordance with Children Act 1989, section 17. When making decisions about the qualification of a child aged 16/17 or an adult (a person aged 18 years and over) who is

leaving the care of the Local Authority, full regard will be made to any protocol agreed between the Local Authority's children services and housing services for rehousing care leavers. Former care leavers aged 18 years or older fall outside the scope of this section, determination as to whether they qualify will be based on any or all relevant factors in the entirety of section 3.2.0

3. Persons lacking mental capacity as defined in the Mental Capacity Act 2005.

3.2.5 An applicant, or a member of their household guilty of past unacceptable behaviour of a specified standard that makes them unsuitable to be a tenant of the Local Authority (or a registered provider it makes a nomination to). Only behaviour that would be serious enough that a county court judge could make an outright order for the Local Authority to obtain possession, had the applicant been a tenant at the time the unacceptable behaviour was carried out, will be considered as unacceptable behaviour. The meaning of unacceptable behaviour for the purpose of this Scheme will encompass a past action or activity (including an omission, failure to act, passivity or inactivity) on the part of an applicant or a present or past member of their household, A person will be considered unsuitable to be a tenant if there has been no improvement in their behaviour since the unsuitable behaviour occurred, to the date when a decision is made about their application and/or when an allocation of social rented housing is due to be made. The Local Authority will not take account of any behaviour relating to a spent conviction under the Rehabilitation of Offenders Act 1974, section 4(1). Unacceptable behaviour is defined as:

1. Having an unspent conviction of a serious offence, committed in the locality of their property, against a person with a right to reside or occupy or accommodation.
2. Having an unspent conviction of a serious offence, committed elsewhere against the Local Authority or a Registered Provider or agents acting on their behalf, which directly or indirectly was related or affected carrying out housing management functions
3. Perpetrators of domestic abuse who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order, which is in force at the date an application is being determined.
4. Having an unspent conviction at the date an application is being determined for a serious offence as defined by the Serious Crime Act 2007, Part 1, Schedule 1, committed in the locality of a property against another person or the Local Authority or a Registered Provider.
5. Breaching a provision of an injunction under section 1, conviction under section 30, or an order made under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which occurred in the locality of a specified property or elsewhere which caused nuisance, annoyance, harassment, alarm or distress to a person in the locality or the Local Authority or a Registered Provider, or resulted in access to property that has been prohibited under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014, for a continuous period of more than 48 hours.
6. Having an unspent conviction for an offence under section 80(4) or 82(8) Environmental Protection Act 1990, concerning noise from a property which was a statutory nuisance as per section 79(1), Part 3 of the Environmental Protection Act 1990.
7. Having an unspent conviction for an offence under the Fraud Act 2006, Forgery and Counterfeiting Act 1981 or Social Housing Fraud Act 2013, involving withholding, falsifying or misrepresenting any information to access to be allocated social rented housing or sub-letting of social housing by current tenants.

8. Within the past [timescale to be determined, e.g. 12-months], having committed any other behaviour that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A. This includes an applicant being responsible for:
  - a. Causing nuisance or annoyance to other; people living, visiting or carrying out lawful activities in the locality of their home, and/or employees of the Local Authority, or people employed by other organisations, to carry out housing management functions, for the Local Authority
  - b. Causing an offence, or another adult residing with them, for which they were convicted for, which took place during and at the scene of a riot in the UK.
  - c. Causing violence or threats of violence towards another person or their family members, who were living at the same property as the applicant, which resulted in them leaving and being unlikely to return the property.
  - d. Allowing acts of waste or neglect of their property or common parts of a building in which their property is situated or failing to take reasonable steps to stop any person residing with them to cause acts of waste or neglect to the property.
  - e. Allowing furniture, provided by a landlord for use as part of their tenancy, or for use in common parts, to deteriorate due to ill-treatment, and in a circumstance where a lodger has caused the ill-treatment, not taking reasonable steps to evict that lodger.
  - f. Being granted a tenancy as a result of deliberately and rashly making a false statement, made by themselves or another person at their prompting.

3.2.6 An applicant or a member of their household who has outstanding liabilities (such as rent or service charge arrears, or recharges) attributable to a tenancy which are more than 1/12th of the annual amount payable (or which was payable) by an applicant to a landlord in respect of a tenancy. When determining a realistic repayment agreement, there will be an emphasis on an applicant's willingness to address the debt and to come to an agreement to do so. Any agreement will be based on the affordability of an applicant, rather than the level of debt. Efforts will be made to take into consideration why the arrears have arisen. The urgency of an applicant's housing need will also be of paramount importance. For the purpose of this Procedure, outstanding rent arrears or debts which fall within the following categories will be disregarded:

1. Any outstanding liability (such as rent arrears) attributable to a tenancy of which the applicant (or a member of their household) is not, and was not when the liability accrued, the tenant.
2. Any rent or other liability which is outstanding, but where the amount outstanding is less than 1/12<sup>th</sup> of the annual amount payable (or which was payable) to a landlord in respect of a tenancy, or the applicant has both (i) agreed payments with a landlord for paying the outstanding liability, and (ii) made payments in line with that arrangement for at least three months and is continuing to make such payments.
3. Any outstanding liability of an applicant or anyone who will live with them, which does not relate to the tenancy of a property.
4. Any outstanding liability that has been declared unenforceable or statute barred (e.g. any debts that can no longer be recovered through court action). For rent arrears this will be after six years. (Debts which are subject to court action before the unenforceable period begins, will not become statute barred).

- 3.2.7 An applicant, or a member of their household who have been found to have breached any of the following tenancy conditions, within the past 12-months, regardless of tenure:
1. Sub-letting part or whole of the property without permission.
  2. Purposely failing to report repairs.
  3. Failing to allow contractors to enter the property to carry out maintenance.
  4. Running a business from the property without permission from the landlord.
  5. Having an unspent conviction for using or allowing their property to be used for illegal or immoral purposes.

- 3.2.8 An applicant who does not have a minimum of two years continuous connection to the Scheme area, due to any of the following factors (disregards apply to applicants who are entitled to be afforded a reasonable preference for an allocation of social rented housing as defined in law, including persons who are survivors of domestic abuse and Armed Forces personnel, see sections 3.2.13 and 3.2.14):

1. Residence - a connection is established by being normally resident within the Local Authority area, by their own choice for a minimum period of two years. Being normally resident includes permanent housing but also includes anyone who has nowhere to live, occupying interim accommodation provided under the Local Authority's homelessness duties, community care duties, or other duties. Persons who have been detained in the Local Authority (e.g. in prison or hospital), will not be able to establish a local connection as this does not constitute a choice of being resident in the area. Nor will former asylum seekers who were previously accommodated under Immigration and Asylum Act 1999, section 98 (temporary support) or section 4 (hard cases support), or former asylum seekers previously accommodated under the Asylum Seekers (interim Provisions) Regulations).

Exemptions to residence conditions will apply to:

1. homeless households and care leavers owed a duty by the Local Authority placed outside the local authority area, including care leavers placed outside the area.

An applicant will only be awarded the highest band for the Local Authority Scheme area they have local connection to. Every other scheme area will be Band C.

2. Employment – a connection established by employment (including an apprenticeship) will be limited to the usual place of work Any work that is short-term (e.g. a contract of employment is less than 12 months), marginal (e.g. less than 16 hours per week and earnings allow for claiming Universal Credit or entitlement to Working Tax Credits), ancillary (e.g. occasional (even regularly) work that is undertaken in the Local Authority area, but the main place of work is outside the Local Authority area) or voluntary (e.g. where no payment is received, or payment is made only for expenses) will not be taken account of. An exemption will apply for applicants who need to move to take-up an offer of work. When deciding whether to apply an exemption, the Local Authority will consider evidence (the following list is not exhaustive, and the Local Authority will consider any other appropriate factors and local circumstances):

1. The distance and/or time taken to travel between work and home.
2. The availability and affordability of transport, taking account the level of earnings.
3. The nature of the work and whether similar opportunities are available closer to home.

4. Other personal factors, such as medical conditions and childcare, which would be affected if a move could not take place.
  5. The length of the work contract.
  6. Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, such as taking a better job, a promotion, or an apprenticeship.
  7. In circumstances where a job is being offered, and there is a need to move to take it up, and their intention to take up an offer of employment.
  8. Verification of employment, or an offer of employment, and acceptance of it from the employer, such as:
    - i. a contract of employment,
    - ii. wages/salary slips or bank statements in cases of zero hours contracts,
    - iii. proof of receipt of tax and benefit information,
    - iv. a formal offer letter.
3. Family associations – a connection established by family relationships will be limited to near relatives (e.g. parents/other guardians, siblings, adult children where there is sufficiently close links in the form of frequent contact) and their residence being within the Local Authority for a minimum period of five years. Applicants who can prove they have a continuing caring responsibility for someone who is resident in the Local Authority area, and that this care could not be provided unless they were resident in the region, will be exempt from local connection requirements.
  4. Other special reason – persons who need to be near special medical or support services which are only available in the Local Authority area will be exempt from local connection requirements.
  5. Care leavers – persons aged 18-21 or 25 if they are pursuing a programme of education agreed in their pathway plan, who are owed a duty under Children Act 1989, section 23C, by the Local Authority will be deemed to have a local connection to the Local Authority area.

3.2.9 An applicant, or a member of their household who are homeowners, encompassing anyone who has a mortgage for the whole or part of their home (disregards apply to applicants who have survived domestic abuse, see sections 3.2.13). Applicants who own property will be able to qualify for an allocation of social rented housing in the following circumstances:

1. Property has been valued as having negative equity (or limited equity in respect of disabled adaptation to be made).
2. Where the property has not been let, but the owner cannot secure entry to the property, for example due to it not being safe to enter the property due to severe structural faults, or there are squatters living in the property.
3. Where it is probable that occupying the property will lead to abuse from someone living in the property.
4. Where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant whether in that property or elsewhere.
5. Where the Local Authority has issued a Prohibition Order under the Housing Act 2004 due to continued occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by an applicant to prevent that danger (e.g. where it is not possible to adapt a property due to the physical arrangements of a dwelling, or the cost of adaptations is prohibitive, or an applicant is in negative equity).

- 3.2.10 An applicant, or a member of their household with financial resources consistent with the UK Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates (disregards apply to Armed Forces personnel, see sections 3.2.14).
- 3.2.11 An applicant whose qualification would solely derive from a household member who is subject to immigration control, due to them not being entitled to freely enter or remain in the UK, or not being entitled to state aid, will not qualify to join the Scheme.
- 3.2.12 The Local Authority will consider whether an applicant qualifies to join Property Pool Plus, at both the time of the initial application and then again when an allocation is made. A decision that an applicant is disqualified will be notified in writing with the grounds for that decision. Applicants will be notified of their right to request a review of such a decision and will be notified in writing of the grounds of any review decision made. Following the conclusion of a review, applicants will be notified of their right to apply for a judicial review on any point of law. Applicants will be notified of their right to make a complaint to the Local Authority, if they remain dissatisfied upon conclusion of any internal complaints investigation and their right to ask the Local Government & Social Care Ombudsman or the Housing Ombudsman to investigate claims of maladministration.
- 3.2.13 Persons who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm, will be exempt from local connection requirements, as will those who have sought a place of safety in a refuge or other form of temporary accommodation in the Local Authority area. Property ownership conditions will also be disapplied.
- 3.2.14 Any compensation for an injury or disability sustained on active service with the Armed Forces or Reserve Forces will be disregarded when calculating financial resources. Any mesne profit debts accrued by occupants of service families accommodation will be disregarded, subject to them providing a copy of their notice to vacate or Certificate of cessation of Entitlement to Service Families Accommodation (the Local Authority may contact the Ministry of Defence Loss of Entitlement team by emailing [DIORDAccn-LOETeam@mod.gov.uk](mailto:DIORDAccn-LOETeam@mod.gov.uk) with any queries about the status of such applicants. The following applicants who are members of the Armed Forces community are exempt from local connection
1. Persons who are currently serving in the Regular Armed Forces or were serving in the Regular Armed Forces at any time in the five preceding years of their application, and their spouses.
  2. Bereaved spouse or civil partners of persons who are serving in the Regular Armed Forces, where 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 the death was wholly or partially attributable to their service.
  3. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partially attributable to their service.
  4. Divorced or separated spouses or civil partners of Service personnel, who are required to move out of accommodation provided by the Ministry of Defence.
  5. Adult children of service personnel who are no longer able to remain in the family home due to the impact of their family moving from base-to-base.

### **3.3.0 Determining eligibility and qualification**

3.3.1 The Local Authority will check an applicant's eligibility and qualification to join Property Pool Plus when they initially apply, plus (assuming satisfaction of the tests at that stage) again when an allocation of a specific property is made. This will allow administrators to be aware of any changed circumstances that might have occurred subsequent to the initial application, which might render an applicant not eligible or disqualified for an allocation of social rented housing.

### **3.4.0 Notifications of decisions and right to a review**

3.4.1 The Local Authority will provide all applicants found to be not eligible or disqualified with written notification and the grounds for the decision (see 2.3.1 to 2.3.2). Information will also be provided on any rights they have to request an internal review (see 2.4.1 to 2.4.4).

### **3.5.0 Re-application**

3.5.1 Any person may at any time make a further application to join the Property Pool Plus, if they have cause to believe they should no longer be treated as ineligible and/or disqualified, because their circumstances or behaviour has changed. Applicants will be expected to evidence the changes in their circumstances or behaviour. There is no limit on the number or frequency of times a person may re-apply. No person will be excluded from making an application.

## 4.0 Allocations

### 4.1.0 Adopting this Scheme

- 4.1.1 This Scheme has been subject to an equality impact assessment required under equalities legislation, carried-out in accordance with the Local Authority's own equalities policies and procedures. Other local housing authorities, registered providers, public authorities, voluntary organisations and other people and organisations were afforded a reasonable opportunity to comment on a draft version of this Scheme. Prior to adopting this Scheme, views were elicited from former, current and future potential applicants.
- 4.1.2 The Local Authority will review this Scheme at least every two years, however amendments will be made as result of any significant change in legislation, regulations and/or circumstances. Any major change to this Scheme will be subject to further consultation or notification.
- 4.1.3 An annual report will be published by the Local Authority about allocations made as result of this Policy. This report will inform whether the purpose and principles set out in section one of this Procedure are being accomplished. The report will consider matters such as:
1. Who was allocated social rented housing
    - a. characteristic (e.g. age, gender, household formation etc)
    - b. eligibility and ineligibility
    - c. qualification and disqualification
  2. What social rented housing was allocated
    - a. number of bedrooms
    - b. property types
    - c. tenure type (e.g. affordable rent, social rent, supported, etc)
  3. When was social rented housing allocated
    - a. waiting times by band
  4. Where was social rented housing allocated
    - a. by electoral ward
    - b. by local authority area in comparison with other local authority areas that are members of Property Pool Plus
  5. With whom was social rented housing allocated
    - a. by registered provider
  6. Why was social rented housing allocated
    - a. reasonable preference
    - b. victims of domestic abuse
    - c. armed forces veterans
    - d. community contribution
    - e. local connection
    - f. right to move criteria
  7. How was social rented housing allocated
    - a. choice
    - b. direct let
    - c. final offer
    - d. review

## 4.2.0 Determining priority for an allocation for housing

4.2.1 Applicants will be prioritised for an allocation of social rented housing, in the local authority area to which they have a local connection, according to the following criteria:

1. Bands, in the order of A to D. Band A has the highest priority and Band D the lowest.
2. Where two or more applicants might have the same priority under 1 above, then by the date they were accepted into the Band they are placed in at the time an offer is made, with earlier dates taking priority over later dates.
3. Where two or more applicants still might have the same priority, then those who are making a community contribution, as defined in section 4.2.7.
4. Where two or more applicants still might have the same priority, then by those who work or have close family in the Local Authority area, as per the definition set out in section 3.2.8 of the Scheme.
5. Meeting landlord advert preference criteria to make best use of stock.

4.2.2. In determining in which band to place an application, the following priorities will apply:

1. Applicants who have been awarded an additional preference, in addition to the requirement to be afforded a reasonable preference for an allocation of social housing accommodation, as defined in section 4.2.3. of this Procedure.
2. Applicants who statute stipulates must be afforded a reasonable preference for an allocation of social housing accommodation, as defined in section 4.2.4. of this Procedure.
3. All other applicants for whom no additional or reasonable preference has been afforded, as defined in section 4.2.5 of the Procedure
4. Applicants who have exhausted their right to refuse an allocation of social rented housing, as defined in section 4.2.6 of the Procedure.

4.2.3 **Band A** will consist of applicants in the following circumstances:

1. Homeless, specifically owed the section 189B initial duty owed to all eligible persons who are homeless and owed the section 188 interim duty to accommodate due to having an apparent priority need.
2. Owed a duty under Housing Act 1996, Part 7, specifically, those who are:
  - a. Not intentionally homeless and have a priority need for accommodation, owed the section 193 duty.
3. Victims of domestic abuse (defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse), including those have been provided temporary protection in a refuge or other form of temporary accommodation, who are homeless or owed any homelessness duty and/or have been identified as high-risk victims of domestic abuse, for example, at a local MARAC.
4. Sudden loss existing home as a result of a disaster, such as those who are required to leave their home due to fire safety concerns identified by the Merseyside Fire & Rescue Service or the Cheshire Fire & Rescue Service.
5. Severely overcrowded due to lacking two or more bedrooms. For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01<sup>st</sup> October 2018) or the UK

Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:

- i. A married or cohabiting couple,
  - ii. Adult aged 21 years or more,
  - iii. Pair of adolescents aged 10-20 years of the same gender,
  - iv. Pair of children aged under 10 years regardless of gender,
  - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
  - vi. An unpaired adolescent aged 10-20 years,
  - vii. An unpaired child aged under 10 years.
  - viii. Due to the shortage of larger properties, applicants who are eligible for four bedroom properties may also be considered for larger three bedroom properties, for example a three bedroom property with two separate living rooms where one can be considered to be used as a bedroom.
  - ix. A second ground floor living room can be regarded as a bedroom, and included in the assessment of an applicant's bedroom need as such, except where the property has a through kitchen/lounge or kitchen/diner and only one other separate living room or the dividing wall between two living rooms has been substantially removed. In considering the use of a room which could be used as a bedroom, regard will be given to whether the room has a fixed heating appliance with exposed flame which would make it unsuitable for use as a bedroom.
6. Under-occupying social rented housing by two or more bedrooms, as per the criteria set out above in section 4.2.3.5
  7. Medical condition is expected to be terminal and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The Local Authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.
  8. Medical condition is life threatening and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health/mental health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The Local Authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.
  9. Planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy. See section 5.1.6 for definition of reasonable.

10. Persons leaving care of the Local Authority's children services.
11. Persons approved by the Local Authority as foster carers or to adopt, who need to move to a larger home in order to look after a child under the care of the Local Authority's children services, including those who require a larger property in order to secure a Special Guardianship order or Child Arrangement Order in respects to a looked after child or for a child that is deemed at high risk of becoming looked after otherwise.
12. Members of the Armed and Reserve Forces, such as:
  - a. Former members of the Regular Armed Forces
  - b. Serving members of the Regular Armed forces 6 months prior to discharge.
  - c. Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability (encompassing a mental ill health condition) which is wholly or partially attributable to their service
  - d. Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability which is wholly or partially attributable to their service
13. Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.
14. Victims of racial harassment amounting to violence or threats of violence.
15. Victims of hate crime amounting to violence or threats of violence due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.
16. Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.
17. Those who require rehousing due to a compulsory purchase order and/or subject to a local authority approved regeneration scheme.
18. Persons participating in the Housing First Pilot led by the Liverpool City Region Combined Authority.

4.2.4 **Band B** will consist of applicants entitled to a reasonable preference for an allocation of social housing accommodation. These applicants are defined for the purpose of this Policy as persons who are:

1. Homeless, as defined by Housing Act 1996, Part 7, section 175, regardless of whether they have made an application for homelessness assistance, , including those who are owed the section 189B initial duty owed to all eligible persons who are homeless, but are not owed the section 188 interim accommodation duty.
2. Owed a duty under Housing Act 1996, Part 7, specifically, those who are:
  - a. Intentionally homeless and have a priority need for accommodation, owed the section 190 duty.
  - b. Threatened with homelessness, owed the (prevention) section 195 duty.
3. Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. The Environmental Protection Act 1990 (in relation to premises which pose a statutory nuisance to the occupant), Part 3, Housing Act 1985, Part 10 (relating to overcrowding) and the Housing Act 2004, Part 1 (relating to hazardous housing) will be taken account of by the Local Authority when determining an applicant's housing conditions. The following list of is intended to be illustrative and in no way prescribed or definitive:

- a. Lacking a bathroom or kitchen, as verified by an Environmental Health Officer or equivalent.
  - b. Lacking an inside WC, verified by an Environmental Health Officer or equivalent.
  - c. Lacking cold or hot water supplies, electricity, gas, or adequate heating, as verified by an Environmental Health Officer or equivalent.
  - d. overcrowded due to lacking one bedroom. For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01<sup>st</sup> October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
    - i. A married or cohabiting couple,
    - ii. Adult aged 21 years or more,
    - iii. Pair of adolescents aged 10-20 years of the same gender,
    - iv. Pair of children aged under 10 years regardless of gender,
    - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
    - vi. An unpaired adolescent aged 10-20 years,
    - vii. An unpaired child aged under 10 years.
    - viii. Due to the shortage of larger properties, applicants who are eligible for four bedroom properties may also be considered for larger three bedroom properties, for example a three bedroom property with two separate living rooms where one can be considered to be used as a bedroom.
    - ix. A second ground floor living room can be regarded as a bedroom, and included in the assessment of an applicant's bedroom need as such, except where the property has a through kitchen/lounge or kitchen/diner and only one other separate living room or the dividing wall between two living rooms has been substantially removed. In considering the use of a room which could be used as a bedroom, regard will be given to whether the room has a fixed heating appliance with exposed flame which would make it unsuitable for use as a bedroom.
  - e. Property in disrepair, as verified by an Environmental Health Officer or equivalent.
  - f. Under-occupying social rented housing by one bedroom, as per the criteria set out above in point d.
4. Needing to move on medical or welfare grounds (including grounds relating to a disability), due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. Applicants will be asked to provide evidence from a health/mental health or social care professional with direct knowledge of the applicant's condition for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The Local Authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation. Once accommodation is allocated to a person with medical or welfare needs, their support and care needs will be assessed jointly by social services, housing support providers, NHS Trusts, and other relevant

agencies. The following list is intended to be illustrative and in no way prescribed or definitive:

- a. A mental illness, including but not limited to current or former Armed Forces personnel suffering from depression, anxiety, post-traumatic stress disorder, a family member of victims of domestic abuse who are suffering the effects of violence or threats of violence.
  - b. A physical or learning disability of any member of the applicant's household.
  - c. Chronic or progressive medical conditions (e.g. MS, HIV/AIDS).
  - d. Frailty due to old age.
  - e. The need to give or receive care.
  - f. Victims of domestic abuse (defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse), including those have been provided temporary protection in a refuge or other form of temporary accommodation.
  - g. The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.
  - h. A restricted ability to fend for self.
  - i. Experiencing or at risk of abuse, harm or self-neglect from others or from self.
  - j. Young people at risk.
  - k. People with behavioural difficulties.
  - l. Need adapted housing and/or extra facilities, bedroom or bathroom.
  - m. Need improved heating (on medical and/or social care grounds).
  - n. Need sheltered housing (on medical and/or social care grounds).
  - o. Need ground floor accommodation (on medical and/or social care grounds).
  - p. Need to be near friends/relatives or medical/social care facilities on medical or social care grounds.
  - q. Need to move following hospitalisation or long-term care on medical and/or social care grounds.
  - r. Moving on from drug or alcohol recovery programme.
  - s. Moving on from short-term supported housing and hostels, including specialist accommodation for those with mental health issues.
5. Needing to move to a particular locality in the district of the authority, where failure to meet this need would cause hardship (to themselves or others). The following list is intended to be illustrative and in no way prescribed or definitive:
- a. Victims of racial harassment.
  - b. Victims of hate crime due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.
  - c. Witnesses of crime, or victims of crime, who would be at risk of intimidation if they remained in their current homes.
  - d. Escaping anti-social behaviour such as harassment, alarm, distress, as result of nuisance or annoyance in relation to the occupation of their premises, or as a result of housing-related nuisance or annoyance, from a person.
  - e. Give or receive care

- f. Access specialised medical treatment.
- g. Take-up a particular employment, education or training opportunity and in respect of Transfer Applicants, be closer to work (see section 3.2.7.2 for definition)
- h. Due to housing benefit restrictions or other constraints on income from benefits (e.g. benefit sanctions)

- 4.2.5 **Band C** will consist of all other applicants who have not been afforded an additional preference or are not entitled to a reasonable preference. This will include all applicants who have been awarded either Band A or B for another scheme area.
- 4.2.6 **Band D** will consist of applicants from Band A, B or C, who have exhausted their right to refuse an allocation of social rented housing (see section 5.15), or have failed to bid on more than three occasions where a suitable property would be available. Applicants will remain in Band D for a period of 12 months from date of final refusal. After which, they will then be moved to whichever Band is applicable to their circumstances at that time.
- 4.2.7 For the purposes of this Scheme, an applicant or their usual household members will be considered as being involved or participating in a community (i.e. making a community contribution) if they are:
1. Engaged in paid or unpaid employment for a minimum of 16 hours per week for a minimum of 6 months.
    - a. including serving in the Regular or Reserve Armed Forces
  2. Engaged in further or higher education, either part-time or full-time, for a minimum of one term.
- 4.2.8 Those applicants who are unable to be involved or participate in their community due to an illness, disability, age, gender or any other characteristic or circumstance which means they are less likely to be able to work, will also be treated with the same favour as those who are actively involved or participating in their community.
- 4.2.9 Applicants whose circumstances change once they've been accepted onto Property Pool Plus must notify the Local Authority of such changes. A failure to do so could result in an applicant becoming disqualified and facing prosecution for fraud. If as a result of a change in circumstances an applicant gains a higher banding preference for re-housing (e.g. they move from Band B up to Band A), their acceptance date will be amended to reflect the date of the change. If as a result of a change in circumstances an applicant is assessed as having the same banding preference (e.g. they remain in Band B), the original acceptance date will remain in force. If as a result of a change in circumstances an applicant is assessed as having less banding preference (e.g. the move from Band B down to Band C), the original acceptance date will remain in force. If an applicant is moved from Band A, B or C down to Band D, their acceptance date will be amended to reflect the date of the change. If as a result of a change in circumstances an applicant becomes ineligible or disqualified, then they shall cease to be registered on Property Pool Plus.
- 4.2.10 Applicants whose entitlement to be placed in Band A or Band B is solely derived from a usual household member who is subject to immigration control, due to them not being entitled to freely enter or remain in the UK, or not being entitled to state aid, will instead in be placed in Band C.

- 4.2.11 Accessible properties will always be offered to applicants with a need for such accommodation (e.g. due to disability), over those with no such need, even when those with a need might have been waiting a shorter time than those without a need. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition.
- 4.2.13 Properties purposely built for elderly applicants will always be offered to applicants that are elderly, over those with no such need, even when those with a need might have waiting a shorter time than those without a need. A health or social care professional, or other relevant professional, with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition.

#### **4.3.0 Local lettings schemes**

- 4.3.1 The Local Authority and registered providers can use local lettings schemes to achieve a wide variety of housing management and policy objectives subject to agreement with the Local Authority. The following list is intended to be illustrative and in no way prescribed or definitive:
1. Allocating accommodation in rural villages and giving priority to applicants with a connection to a particular parish
  2. Creating more mixed and/or sustainable communities.
  3. Dealing with a concentration of deprivation.
  4. Ensuring properties that are particularly suited to being made accessible (e.g. ground floor flats) are prioritised for those with access needs.
  5. Relocating essential workers such as teachers, nurses and police officers within a reasonable travelling distance from their work.
  6. Supporting people in work/volunteering or who are seeking work or seeking volunteering opportunities.
  7. Dealing sensitively with lettings in rural areas to sustain communities by giving priority to those with a local connection of more than two years.
  8. Where a child to adult ratio could be lowered on an estate where there is high child density or, conversely, young single people could integrate into an estate where there is high ratio of older persons.
  9. Where there are reasons to positively discriminate due to age, for example accommodation is only suitable for applicants under the age of 35 years, or over the age of state pension entitlement.
- 4.3.2 Upon identification of particular types, clusters or locations of housing for particular types of applicants, a local lettings scheme will be used to deal with letting those homes. Local letting schemes will have clear evidence of need for the approach being taken. Any local lettings scheme will not dominate Property Pool Plus and will overall give a reasonable

preference to those in Band A and Band B over applicants in Band C or Band D. Any local lettings scheme adopted will set out the following:

1. A clear definition of the objective(s) to be achieved, backed up by evidence.
2. A method which is likely to achieve the objective(s).
3. An equality impact assessment.
4. How the scheme will be monitored and who will be involved.
5. Mechanisms of reporting and reviewing the scheme.
6. How the views of local communities have shaped the scheme (e.g. with people who are on electoral register as being resident in an electoral ward(s), where a local letting scheme is being proposed. Their view will not be treated as an overriding factor in decision making).
7. The circumstances in which the local lettings scheme will be reviewed or will come to an end.

4.3.3 Local lettings schemes may be adopted to include but not exhaustive to the following:

1. A portion of properties for letting of new build properties for the first time, to be determined in accordance with the Local Authority's Local Plan.
2. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for former members of the Armed Forces based on the number of applications made by and allocations made to former members of the Armed Forces during the preceding 12 months.
3. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for households in types of employment where skills are in short supply.
4. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for prospective and approved foster carers and adopters (endorsed by the Local Authority), so it can satisfy its duty under Children Act 1989, section 22G to ensure there is sufficient accommodation available to the needs of looked after children, based on intelligence provided by the Local Authority's Children Services.
5. A portion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, a minimum of which is one percent (1%) of all properties allocated, to Transfer Applicants who need to move for work related reasons, based on the number of applications made by and allocations made to Transfer Applicants who need to move for work related reasons, during the preceding 12 months.

4.3.4 A local lettings scheme may be adopted for specific types of accommodation which provide with linked support services for:

1. Older persons apply for accommodation at an Extra Care Scheme. A joint assessment of the applicant's housing, care and support needs will be undertaken by the Local Authority's housing and adult social care departments, subject to consent from the applicant.
2. Single parents aged 16/17 years, who are not living with their parents. A joint assessment of the applicant's housing, care and support needs will be undertaken by the Local Authority's housing and children services departments, subject to consent from the applicant.
3. Rough sleepers and people at risk of rough sleeping. An assessment of housing and support needs will be undertaken by the Local Authority housing department, adult social care

department, or an organisation commissioned by the Local Authority to provide support to people sleeping rough or at risk of rough sleeping.

4. Sex offenders. A joint assessment of will be undertaken by Cheshire Police or Merseyside Police, National Probation Service, the Local Authority's adult social care department, health professionals and other bodies to manage risk to the community

4.3.5 A local letting scheme may be adopted for displaced agricultural workers, where they have been displaced due to a need to accommodate another agricultural worker and the farmer cannot provide suitable alternative accommodation for the displaced worker and needs to rehoused in the interest of efficient agriculture.

4.3.6 A local lettings scheme may be adopted for former tenants or other occupiers when allocating certain accommodation which would otherwise be available for letting in the following circumstances:

1. An applicant has married an existing tenant and they both seek the grant of a fresh tenancy in their joint names.
2. An applicant is a former joint tenant and the joint tenancy has ended.
3. An applicant is a relation of the previous tenant who has died without there being a right of succession.
4. An applicant has otherwise occupied the particular property for a considerable time.
5. An applicant was placed in accommodation under a non-secure tenancy but now wishes to be granted a secure introductory tenancy of the same property.

#### **4.4.0 Avoiding discrimination and enhancing equality of opportunity**

4.4.1 An equality duty is imposed on the Local Authority by the Equality Act 2010, section 149 (the "Public Sector Equality Duty"). Regard has been made to this public-sector equality duty and to the equality objectives that it sets out when formulating this Scheme and it will inform decision-making on individual cases so far as the law requires. Allocations of social rented housing will be monitored to determine whether equal opportunities obligations are being met, to identify any negative impact on people with protected characteristics. A plan will be adopted to mitigate any negative impacts.

4.4.2 This Scheme intends to ensure that at all times non-discriminatory decisions will be made about the allocation of social rented housing. Regard has been had to advice on allocating housing to disabled people published by the Equality and Human Rights Commission, along with other associated research and guides that are available.

4.4.3 When formulating this Scheme, an equality impact assessment was undertaken to avoid discrimination and to demonstrate compliance with the public-sector equality duty. Particular attention has been paid to the housing needs of refugees, Gypsies and Travellers, people with disabilities, older people, people with mental health problems, and people who identify as lesbian, gay, bisexual or transgender. Any substantial variation to this Scheme will also be subject to an equality impact assessment. For further information, please see *the Property Pool Plus Equality Impact Assessment*.

4.4.4 This Scheme has been formulated to ensure compliance with the Human Rights Act 1998, the Equality Act 2010 and the European Convention on Human Rights Article 14 and

regard has been had to the advice and guidance published by the Equality and Human Rights Commission for social housing providers on housing discrimination. The administration of the Procedure will be undertaken, in a non-discriminatory manner so not to treat any person directly or indirectly less favourably than others because of a protected characteristic, with particular attention being paid to people with a disability.

- 4.4.5 The Local Authority will provide regular, accurate and generalised information on how Property Pool Plus is managed, to actively dispel any misconceptions arising about the allocation of social rented housing and immigration, including data on nationality and immigration status, to strengthen public confidence in Property Pool Plus.
- 4.4.6 Applicants will be informed of their rights to seek assistance from the Equality and Human Rights Commission, if they believe the Local Authority has breached the Human Rights Act 1998, by contravening their human rights or unlawfully discriminated against them.

#### **4.5.0 Best interests of children**

- 4.5.1 When formulating this Scheme, the Local Authority has considered and taken full account of the need to safeguard and promote the welfare of children, in accordance with the Children Act 2002, section 11.
- 4.5.2 This Scheme and the administration of it will accord the objectives and actions set out in the Local Authority's joint working protocol agreed between its Housing Services and Children Services.
- 4.5.3 When making decisions about individual applications for an allocation of social rented housing, the best interests of any children involved will be treated as a primary (but not overriding) consideration. Active involvement from the Local Authority's Children Services department will be sought, when making decisions about housing allocations where there is involvement with an applicant or a usual member of their household, from the Local Authority's Children Services. If there is some uncertainty about whether an applicant should qualify specifically due to matters relating to children services' duties, the Children Services department will be consulted.

#### **4.6.0 Discretion**

- 4.6.1 Discretion about being made eligible, allocated social rented housing or awarded additional preference will be exercised only by the Local Authority's Senior Officer, limited only to individual cases, within the City Region area, where there are exceptional circumstances as defined below (see Appendix 3):
  - 1. Providing protection to people who need to move away from another local authority area, to escape violence, harm, or intimidation.
  - 2. In circumstances where an applicant needs to move due to a serious offence (equal to MAPPA level 2 or 3), as defined by the Serious Crime Act 2007, Part 1, Schedule 1, there will be joint working with the Police, Probation Services, Adult Care Services, health professionals, registered providers and other bodies, to manage any risk to the community.
- 4.6.2 When assessing whether discretion should be applied, the Local Authority will consider:

1. What the exceptional circumstances are. They should be unusual or remarkable circumstances which indicate that the applicant's housing needs are more urgent than other applicants.
2. What will be the consequences if no discretion is exercised? This will include considering how serious the potential consequences are and how likely each potential consequence is

4.6.3 When deciding, the Local Authority will have regard to:

1. The fact that decisions to exercise discretion will be kept to minimum
2. The need for consistency with previous decisions whether or not to exercise discretion
3. What would be a fair outcome to ensure that there is no discrimination and
4. The likelihood and severity of the potential consequences of discretion is not exercised.

A decision as to whether or not to exercise discretion will be made at the point of receipt of application and again at the point of offer.

In all cases when direct offers are made, applicants will receive one direct offer only subject to the Local Authority's discretion to make a further direct offer.

## 5.0 Being Allocated a Property

### 5.1.0 Choice

- 5.1.1 The Local Authority will inform applicants of their right to express (place a bid) a preference about the property which might be allocated.
- 5.1.2 The Local Authority will identify and support any applicants who may have a difficulty in expressing a preference. Applicants will be encouraged to self-identify that they require support to express a preference. The Local Authority will use its own judgement on initial contact with an applicant, based on whether they were able to complete an application to join Property Pool Plus unaided. Applicants who are not expressing a preference will be contacted to determine if this is due to them having difficulties. Particular attention will be paid to ensuring those who are homeless, have a disability or are from a black or minority ethnic community, are provided with any support they might need to express a preference.
- 5.1.3 Applicants will be able to express a preference of up to three properties that are available to let from the Local Authority or a Registered Provider in a calendar week. Applicants will be able to express a preference making a 'bid' for a property via the Property Pool Plus website. The Local Authority will make a bid on behalf of an applicant who requires support. Applicants may be sent reminders about opportunities to bid via email or text. The Local Authority will provide information on the likely level of priority or waiting time for any property available to bid on.
- 5.1.4 An applicant's right to express a preference of a property they wish to be allocated, does not extend to any social rented housing that is intended for occupation by persons with specific characteristics which they do not possess, e.g. properties specifically for persons of specified age where an applicant is under minimum and/or maximum threshold.
- 5.1.5 All applicants are subject to a limit on the number of properties that would be reasonable for them to occupy, which they are entitled to refuse an offer of. Auto-bidding may be implemented for applicants who are owed the section 189B initial duty owed to all eligible persons who are homeless and persons with a priority need who are not homeless intentionally. If an applicant should refuse a final offer, they will be given reduced preference for a period of 12 months, by being placed into Band D. The Local Authority will consider the circumstances of each refusal on a case-by-case basis and confirm with an applicant they are refusing an offer prior to imposing a sanction.
1. Band A applicants are entitled to one refusal of a reasonable offer of accommodation, except those who are homeless or owed a homelessness duty who will have no entitlement to a refusal of a reasonable offer of accommodation.
  2. Band B applicants are entitled to two reasonable refusals, except those who are homeless or owed a homelessness duty who will be entitled to one reasonable refusal
  3. Band C applicants are entitled to three refusals of a reasonable offer of accommodation.
  4. Band D applicants have no cap on the number of refusals of a reasonable offer of accommodation.

- 5.1.6 An offer of accommodation will be considered reasonable if the property being offered will meet the housing needs of an applicant, having had regard to the following matters at the date when the offer is made:
1. Whether the applicant and their household would be overcrowded or under-occupying. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment.
  2. Affordability of the property when compared to the applicants' income and expenditure, see appendix one for the methodology that will followed to determine whether a property is affordable
  3. Location of the property in regard to essential journeys the applicants needs to make
  4. Public sector equality duty in Equality Act 2010, section 149
  5. When there is a child or children in the applicant's household, the duty to safeguard and promote the welfare of children in the Children Act 2002, section 11
  6. In respect of school-age children, the duty in the Human Rights Act 1989, that no person should be denied the right to an education (Notwithstanding this, an offer of accommodation might necessitate a child having to move school).
  7. Space and arrangement of the property
  8. The standard of property
  9. The specific health needs of the applicant their usual household members
  10. The proximity and accessibility of family support
  11. The proximity and accessibility of medical facilities and other support services which are currently used by or provided to the applicant or the usual family members that are essential to that persons' wellbeing
  12. The proximity of alleged perpetrators or victims of domestic abuse
- 5.1.7 Instances when an applicant who requires adaptations who are offered a property, that is subsequently deemed to be unable to be adapted, will not be deemed as a refusal.
- 5.1.8 Applicants will be informed of their right to seek a review of whether an offer of social rented housing they refused was a reasonable offer, or whether the final offered refused was a suitable offer.
- 5.1.9 The Local Authority will publish feedback on the outcome of bids on the Property Pool Plus website. Requests for this information to be provided in alternative formats will be considered on an individual basis.
- 5.1.10 The Local Authority will maintain a list of suitable homes for disabled people with access needs, to avoid potentially disadvantaging applicants who might require a home with such features.

## **5.2.0 Other General Points**

- 5.2.1 Following an offer or nomination of social rented housing by the Local Authority, applicants will be given a reasonable period to properly consider whether to accept it. However, the personal circumstances of each applicant, including those who are vulnerable applicants, unfamiliar with the property being offered, in hospital, need to arrange a support worker to be present at the viewing, are working, or have childcare commitments will be given longer to consider the property offered. Any longer timescale will be based in specific circumstances of an applicant. The actual letting will be handled by the Local Authority or a

registered provider, who will complete the letting following the offer and acceptance of a tenancy agreement by the applicant.

- 5.2.2 Applicants will not be offered an allocation that would result in them under-occupying the dwelling (against the definition used by the Department of Work Pensions to determine claims for help with housing costs), being overcrowded (against the UK Government's Bedroom Standard) or being unable to afford rental or service charges at the date an allocation or nomination is made. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment. Applicants who receive support from a carer who does not live with them and who is required to stay overnight, will have their need for a spare room taken account of whenever possible. Properties on the ground floor, with an accessible bathroom or an additional bathroom or toilet will be offered to applicants who have a medical need for such a dwelling over an applicant who has no need for such accommodation. Any particular needs of elderly applicants will be taken account of. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The needs of applicants who have been approved by the Local Authority to adopt or foster and require a larger property will be taken account of. The extent and circumstances of an applicant's household will be taken account of, as to whether they would be eligible or qualify in their own right or not.
- 5.2.3 For the purposes of determining overcrowding or under-occupying, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01<sup>st</sup> October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
1. A married or cohabiting couple,
  2. Adult aged 21 years or more,
  3. Pair of adolescents aged 10-20 years of the same gender,
  4. Pair of children aged under 10 years regardless of gender,
  5. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
  6. An unpaired adolescent aged 10-20 years,
  7. An unpaired child aged under 10 years.
  8. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority
  9. An overnight carer for any usual household member, if the carer isn't a usual household member.
  10. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement
- 5.2.6 Applicants may not be made an offer of a property in a locality (e.g. electoral ward, parliamentary constituency) in which he or she has previously been the perpetrator or victim of anti-social behaviour, hate crime, violence or domestic abuse, or where the perpetrator or victim now currently lives. Offers may be withdrawn if new information is provided to the Local Authority, which they believe may put the victim at risk.

- 5.2.7 The letting of a property, including whether a joint tenancy will be granted, is beyond the scope of this Procedure. The Local Authority and registered providers have their own allocation rules and policies that dictate how lettings will be agreed.
- 5.2.8 This Scheme has been drawn up with regard to the Liverpool City Region Tenancy Strategy referred to above in paragraph 1.3.7. Tenancies offered by registered providers will be made having regard to this document.
- 5.2.9 Applicants will be informed by the relevant Registered Provider, at the point of an allocation, if the property will be furnished or unfurnished.
- 5.2.10 Applicants will be provided with an opportunity to view the property prior to accepting or rejecting the dwelling being offered. Applicants can expect properties to be fit for occupation at the date of the letting, or that any repairing obligations imposed on a registered provider, will be met within a reasonable time of commencement of the tenancy.
- 5.2.11 Transfer Applicants will be made an offer that ensures they do not inadvertently lose accrued rights and will be tenancy of equivalent form to that which they are transferring from. Arrears of rent outstanding on a previous tenancy can be transferred to the new one when both properties are held by the same Registered Provider, subject to agreement with their Landlord as to how those arrears will be cleared (compliance with the arrears agreement will be a term of the new occupancy agreement).
- 5.2.12 The Local Authority has not developed a specified position on pets in social rented housing. Registered Providers are expected to set out their position clearly in property advertisements and tenancy agreements.

## **6.0 Other Arrangements**

### **6.1.0 Direct applications to registered providers**

- 6.1.1 Registered Providers have a duty to maintain rules and policies concerning the allocation of social rented housing. The contents of such rules and policies should reflect the law and also regulations found in the Tenancy Standard, published by the Regulator of Social Housing. Information about housing allocation rules and policies of Registered Providers are available directly from these organisations. Copies are also available from the Local Authority and can be found on the Property Pool Plus website. Applicants that have a dispute about housing allocation rules and policies of a Registered Provider will be informed of their right to make seek judicial review and/or make a complaint directly to the organisation, and if they remain dissatisfied to the Housing Ombudsman.
- 6.1.2 People who make an application to the Local Authority for social rented housing, are in no way restricted from also making separate additional applications directly to any Registered Provider, where their own housing allocation rules and policies allow this.

### **6.2.0 Nominations**

- 6.2.1 Nominations agreements have been adopted between the Local Authority and registered providers that own and/or manage social rented housing in the Local Authority district. All such agreements prescribe the portion of lettings that any registered provider will make available to the Local Authority. The agreements also have a criterion for how registered providers can accept or reject a nomination, plus describe how any disagreements about nominations will be resolved.
- 6.2.2 The Local Authority and Registered Providers that it has entered into nomination arrangements with have agreed an information sharing protocol that accords with the General Data Protection Regulation and Data Protection Act 2018. The Local Authority will require written consent from an applicant to share their information with a Registered Provider.
- 6.2.3 A system has been adopted to monitor the effectiveness of the nominations agreements, to allow the Local Authority to satisfy itself that it is fulfilling its legal obligations to allocate social rented housing. An annual report on nominations agreements will be presented to elected councillors of the Local Authority and will be shared with registered providers who have entered into a nomination agreement with the Local Authority.

### **6.3.0 Transfers**

- 6.3.1 Registered Providers have published rules governing cases where secure tenants wish to move from one dwelling to another. Copies of such rules are available directly from these organisations.

### **6.4.0 Contracting-out**

6.4.1 Any arrangements by which the Local Authority has contracted-out the administration of housing allocation functions to a registered provider are subject to separate contractual terms which fall outside the scope of this Policy.

#### **6.5.0 Complaints, appeals and legal challenges**

6.5.1 Applicants will be informed of their rights to make a complaint about a private registered provider of social housing's decision to reject a nomination for an allocation of social rented housing. The methods by which complaints can be made are set out in the housing allocation rules and policies published by registered providers. Applicants that have a dispute about the housing allocation rules and policies of registered providers will be informed of their right to make a complaint directly to the organisation, and when still dissatisfied after their complaint has been investigated, to the Housing Ombudsman. Applicants will also be informed of their right to seek judicial review on any point of law of a registered provider's decision to reject a nomination of social rented housing.

6.5.2 Applicants will be informed of their right to seek a judicial review of a registered provider's decision-making on a nomination for social rented housing. Additionally, applicants who consider that there has been unlawful discrimination or infringement of human rights will be informed of their right to seek assistance from the Equality and Human Rights Commission.

## Appendix 1

### **Policy for assessing initial enquiries to make an application for an allocation of housing or amend an application following a change of circumstances**

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## **Procedure for assessing initial enquiries or change of circumstances**

### **Assess the applicant's eligibility**

- a. On receiving initial enquiries to make a new application or amend an existing application following a change of circumstances, the officer must establish that the applicant is eligible to join the scheme.
- b. Applicants will be eligible unless:
  - i. they are from abroad and subject to immigration control (unless they fall into one of the limited exceptions); or
  - ii. they are from abroad and fall into a category the Secretary of State has prescribed as being ineligible.
- c. The allocations officer should review the applicant's identity documents to confirm the applicant's nationality and immigration status. Evidence should be a passport; birth certificate or immigration documents and copies should be kept on the file.
- d. If the allocations officer cannot determine the applicant's immigration status from the identity documents, the allocations officer can contact the UK Border Agency to confirm the applicant's immigration status, but should first warn the applicant

so that the applicant has the option of withdrawing the enquiry before any action is taken.

- e. If the allocations officer is in any doubt as to the eligibility of the applicant, the allocations officer should consult the code of guidance (Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012) and discuss the file with a senior officer.
- f. If the allocations officer determines that the applicant is not eligible, the allocations officer should inform the applicant using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.

### **Determine whether the applicant qualifies for the scheme**

- g. Once the applicant has been confirmed as being eligible, the allocations officer must determine whether the applicant qualifies for the scheme by completing the Qualification Assessment (Document 2) with the applicant.
- h. The allocations officer does not need to assess evidence of the applicant's qualification at this stage, but any evidence provided should be referred to in the Qualification Assessment and a copy kept on the file.
- i. If the applicant does not qualify, the allocations officer should inform the applicant using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.

### **Confirm that the applicant has a local connection**

- j. The allocations officer must next confirm that the applicant has a local connection with the local authority area.
- k. An applicant will have a local connection if they:
  - i. live in the local authority area for at least two years
  - ii. have permanent employment in the local authority area or (if they are self-employed) have a work base in the local authority area;
  - iii. have parents, adult siblings or adult children who live in the local authority area and have done so for at least 2 years; or
  - iv. have special circumstances.
- l. Special circumstances can include, but is not limited to:
  - i. households fleeing violence who are owed a homelessness duty;
  - ii. people who do not live in local authority area, but who need to be near a close relative to provide care and/or support;
  - iii. people returning from temporary care or interim accommodation in another local authority area; and
  - iv. households including someone who:
    - 1. is serving in the regular forces or has done so in the last 5 years;
    - 2. has recently ceased, or will cease, to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner which was wholly or partly due to their service in the regular forces; or
    - 3. is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is wholly or partly attributable to that service.

- m. The applicant should be asked to confirm that they have one of the above local connections with the local authority area and should be reminded of the importance of not providing misleading or inaccurate information.
- n. The allocations officer should assess evidence of the applicant's local connection at this stage and any evidence provided a copy should be kept on the file.
- o. If the applicant does not have a local connection with the local authority area, the officer should inform the applicant that they are disqualified from the scheme using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.

Check that the applicant is not guilty of unacceptable behaviour

- p. Applicants can be disqualified on the grounds of unacceptable behaviour by the applicant or a member of their household.
- q. Unacceptable behaviour can include, but is not limited to:
  - i. Causing or likely to cause nuisance or annoyance to other persons in the locality of their property.
  - ii. Causing or likely to cause nuisance or annoyance to the Local Authority or a Registered Provider or agents acting on their behalf to carry out housing management functions
  - iii. Perpetrators of domestic abuse who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order, which is in force at the date an application is being determined.
  - iv. Having an unspent conviction at the date an application is being determined for a serious offence as defined by the Serious Crime Act 2007, Part 1, Schedule 1, committed in the locality of a property against another person or the Local Authority or a Registered Provider.
  - v. Breaching a provision of an injunction under section 1, conviction under section 30, or an order made under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which occurred in the locality of a specified property or elsewhere which caused nuisance, annoyance, harassment, alarm or distress to a person in the locality or the Local Authority or a Registered Provider, or resulted in access to property that has been prohibited under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014, for a continuous period of more than 48 hours
  - vi. Having an unspent conviction for an offence under section 80(4) or 82(8) Environmental Protection Act 1990, concerning noise from a property which was a statutory nuisance as per section 79(1), Part 3 of the Environmental Protection Act 1990
  - vii. Having committed an act of fraud to which the circumstances remain relevant at the date an application is being determined, involving withholding, falsifying or misrepresenting any information to access to public funds and/or services.
  - viii. Having committed any other behaviour that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A.
- r. The allocations officer should check existing records to see whether there is any evidence of unacceptable behaviour by the applicant or a member of the applicant's household. The applicant should also be asked to confirm that there

has been no such unacceptable behaviour and should be reminded of the importance of not providing misleading or inaccurate information.

- s. If there is any behaviour which may be unacceptable, the allocations officer should apply the following tests before making a decision on disqualification:
  - i. Has the applicant or member of their household behaved in such an unacceptable manner that they are considered unsuitable to be a tenant?
  - ii. At the time of the application, is the applicant or member of their household still considered unsuitable to be a tenant?
  - iii. Was the unacceptable behaviour serious enough to entitle a landlord to commence legal proceedings or to pose a serious threat to the local community?
- t. If the allocations officer decides that the unacceptable behaviour should lead to disqualification, the allocations officer should inform the applicant using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.

#### Check the applicant's financial resources

- a. Applicants are also disqualified from the scheme if:
  - i. they are owner-occupiers or have equity in a property, unless there are pressing health needs that mean sheltered housing is required;
  - ii. the applicant or a member of their household has savings or other capital which would make them ineligible for local housing allowance or universal credit.
- b. The applicant should be asked to confirm that their financial resources do not breach these criteria and should be reminded of the importance of not providing misleading or inaccurate information.
- c. If the applicant's financial resources do breach the above criteria, the allocations officer should inform the applicant that they are disqualified from the scheme using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.

#### Progress the application

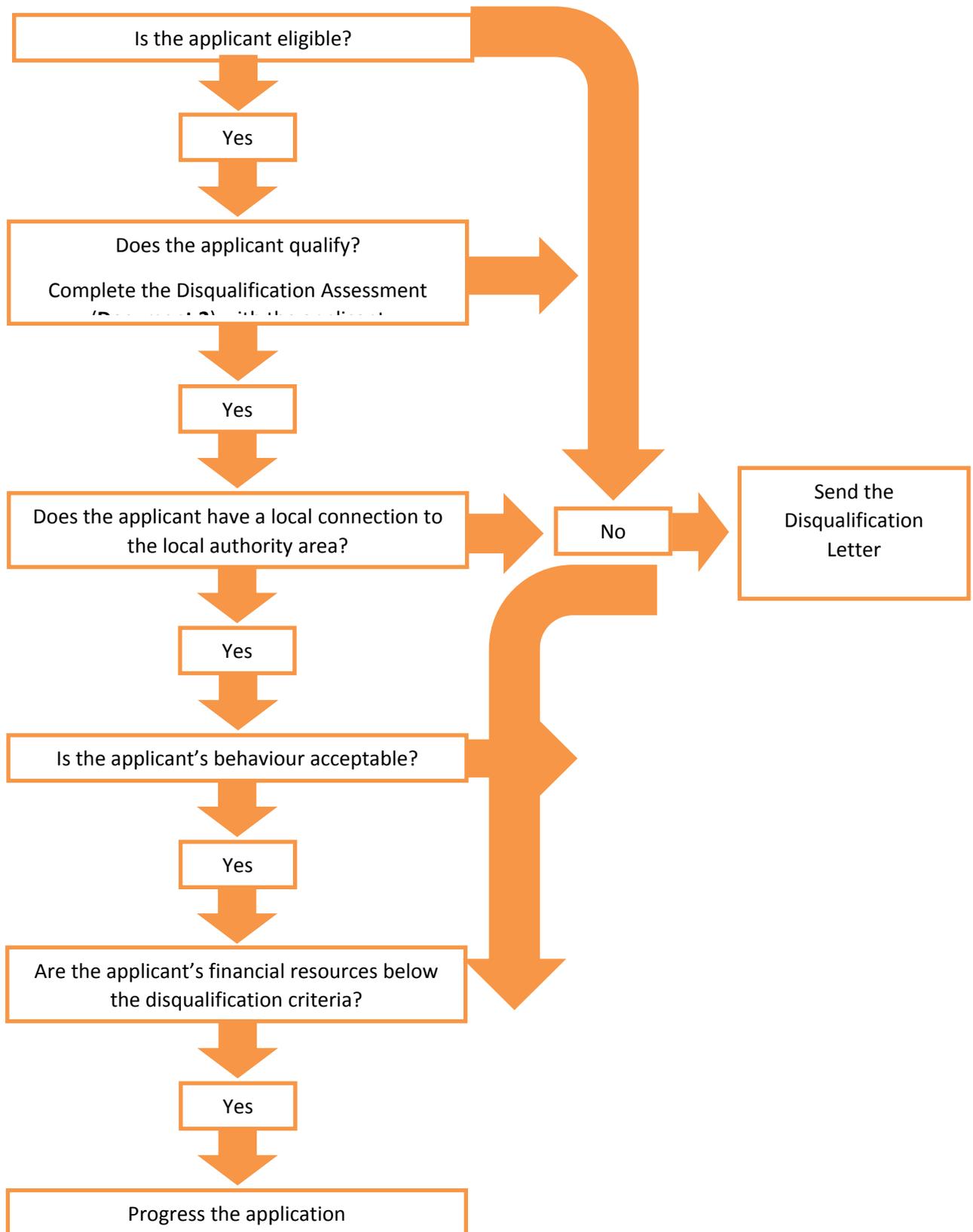
- u. If the applicant has met the above requirements, the allocations officer should process the enquiry by advising the applicant on the next steps in the application process.

#### Background information

- v. This procedure applies to any applicants who have made enquiries about applying for an allocation of housing or amending an application following a change of circumstances in the local authority area.
- w. This procedure is in accordance with the Housing Allocation Scheme produced by local authority.
- x. Throughout this procedure, whenever a document is to be completed or issued, a copy should be retained on the electronic file.

- y. This procedure will be reviewed in line with any significant change in the Housing Allocation Scheme, legislation, statutory guidance or significant case law. Separate to this it should be reviewed every two years.

**Process chart for assessing initial enquiries or change of circumstances**



## Appendix 2 -

### Policy for assessing and processing applications for an allocation of housing

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## **Procedure for assessing and processing applications**

Following a decision being made that an applicant is eligible and qualifying the following processes should be followed:

### **1. Determine the applicant's housing needs**

- a. The officer should determine the number of bedrooms required by household per the bedroom standard specified in the policy s.4.2.3.
- b. If the applicant has applied on the grounds that their existing accommodation is overcrowded, i.e. the number of bedrooms in the current accommodation is fewer than required for all existing residents including those who are not being rehoused, then the officer should follow the procedure for dealing with applications from overcrowded households see Appendix 5.
- c. If the applicant has applied on the grounds of being threatened with homelessness, the applicant should be sign posted to relevant Housing Options Team to explore any ways of preventing homelessness.
- d. If the applicant meets any of the criteria for a priority band A or B as specified in the policy then relevant evidence should be requested to verify this need as set out in the checklist (Document 1).
- e. If the applicant has no housing need as identified within the criteria set out in the scheme s 4.2.3 Band A and 4.2.4 Band B then they will be placed in Band C.
- f. If the applicant wishes to exclude any location from consideration, the applicant must provide reasons relating to safety and / or welfare and the officer must be satisfied that there is a genuine justification to exclude the relevant zone.

### **2. Place the applicant in the appropriate band on the register**

- a. The officer should place the applicant in the appropriate band on the register using the Banding Structure. The date of entry in the band should be the date the last piece of evidence / information was submitted to verify that the criteria is met.
- b. If the officer believes there are exceptional circumstances which may mean that the applicant needs higher priority than the applicant would normally be given, the officer should refer to the procedure for applying discretion see Appendix 3.
- c. The officer should refer to the local connection criteria as set out in s 3.2.8 of the scheme to ensure that a priority band A or B is only awarded for a Local Authority area where a local connection can be confirmed as defined in the scheme. For all other Local Authority areas, the highest priority band that can be awarded will be Band C.

### **3. Inform the applicant of the outcome**

- a. Once the applicant has been placed on the register, the officer should inform the applicant in writing of the outcome of the assessment and ensure to make relevant notes on the application via the IT system to detail the decision made.
- b. If the applicant is placed in band C, the officer should advise the applicant on other housing options available as this may be the quickest way for the applicant to be rehoused.

### **4. Match the applicant with a property**

This section of the process will be undertaken by the Registered Provider allocating the advertised property.

- a. Properties will be shortlisted according to section 4.2.1 of the Scheme Policy.
- b. The only exceptions are if there is an agreed and published Local Lettings plan in place which allows a variation to standard procedure.

**5. Verify the applicant's eligibility**

This section of the process will be undertaken by the Registered Provider allocating the advertised property.

- a. Once a property has been identified as being suitable for the applicant, the officer must verify that the applicant is still eligible.
- b. The officer should first check if the identity evidence provided at the initial enquiries stage is still valid and correct. For example, has the applicant's passport expired? If the evidence on file is no longer valid, the applicant should be asked to provide updated identity documents.
- c. The allocations officer should take particular care with applicants from abroad because their immigration status may have changed or the eligibility regulations concerning people from abroad may have changed. Such applicants should be asked for updated identity documents confirming their immigration status.
- d. If the officer cannot determine the applicant's immigration status from the identity documents, the allocations officer can contact the UK Border Agency to confirm the applicant's immigration status, but should first warn the applicant so that the applicant has the option of withdrawing the application before any action is taken.
- e. If the officer is in any doubt as to the eligibility of the applicant, the allocations officer should consult the code of guidance (Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012).
- f. If the officer believes that the applicant is no longer eligible, the officer should contact the Administering Scheme partner responsible for managing that application who will investigate further and determine eligibility for the scheme.

**6. Verify the applicant's qualification and priority band**

This section of the process will be undertaken by the Registered Provider allocating the advertised property.

- a. The officer must next verify that the applicant still qualifies under the scheme and is not disqualified due to lack of local connection, unacceptable behaviour or financial resources.
- b. The officer should verify that there has been no change in the applicants' circumstances that may impact their qualification and / or priority band. This may include requesting and reviewing evidence to confirm that the applicant falls into the relevant category of qualification. The Checklist (Document 1) provides guidance as to the types of suitable evidence that could be requested.
- c. If the officer considers that the applicant may no longer qualify and / or meet the criteria for the priority band awarded, the officer should discuss further with the Administering Scheme partner responsible for managing that application, who will investigate further and make a decision on qualification / priority band.

**7. Confirm the allocation**

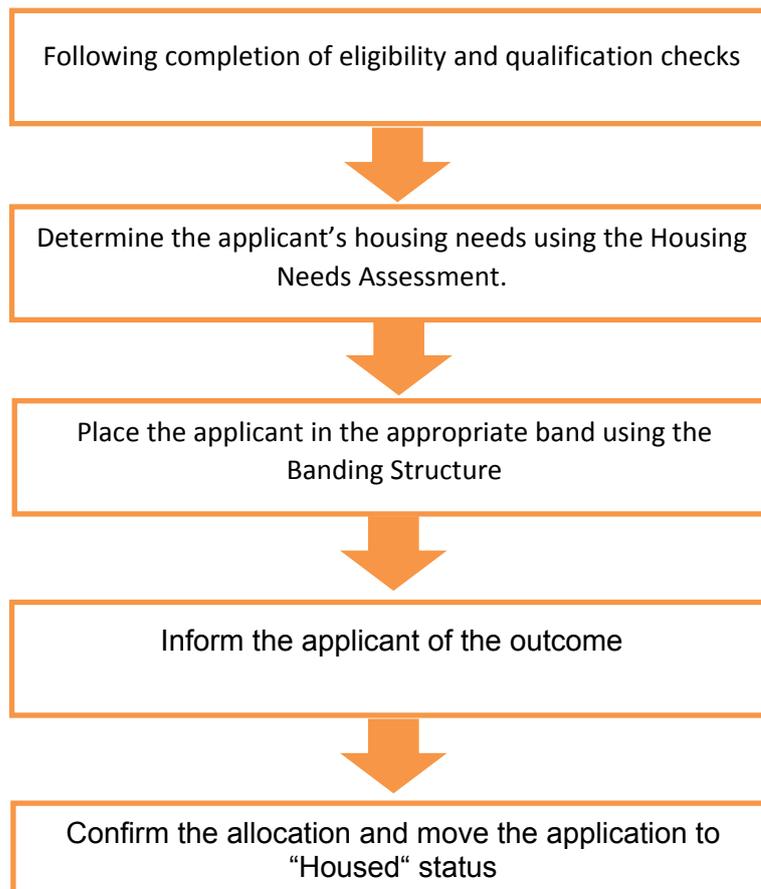
This section of the process will be undertaken by the Registered Provider allocating the advertised property.

- a. Once the applicant’s information has been verified as above, the officer should undertake all usual allocations procedures per their own organisation.
- b. The officer should follow the PPP IT system procedure for moving the housing application to a “Housed” status.

**8. Background information**

- a. This procedure applies to any applicants who have made an application for an allocation of housing in the local authority area.
- b. This procedure is in accordance with the Housing Allocation Scheme produced by the Council.
- c. This procedure will be reviewed in line with any significant change in the Housing Allocation Scheme, legislation, statutory guidance or significant case law. Separate to this it should be reviewed every two years.

**Process chart for assessing and processing applications**



## Paperwork Templates

### Document 1 – Checklist

#### Additional Preference - Band A:

Criteria	Example evidence
Homeless, specifically owed the section 189B initial duty owed to all eligible persons who are homeless and owed the section 188 interim duty to accommodate due to having an apparent priority need.	Confirmation from the homelessness team
Owed a duty under Housing Act 1996, Part 7, specifically, those who are: Not intentionally homeless and have a priority need for accommodation, owed the section 193 duty.	Confirmation from the homelessness team
Victims of domestic abuse who are homeless or owed any homelessness duty and/or have been identified as high-risk victims of domestic abuse at a local MARAC	Referral from MARAC
Sudden loss of existing home as a result of a disaster	Referral from Fire and Rescue Service
Severely overcrowded due to lacking two or more bedrooms	Evidence of the size of the property, such as property particulars or confirmation from the landlord, and the number of inhabitants, such as the electoral register. If necessary, an inspection may be carried out and advice sought from the Housing Standards Team in respect of space standards. Refer to Overcrowding procedure Appendix 5.
Under-occupying social rented housing by two or more bedrooms	Evidence of the size of the property, such as property particulars or confirmation from the landlord, and the number of inhabitants, such as the electoral register. If necessary, an inspection may be carried out. Refer to bedroom standard.
Medical condition is expected to be terminal and re-housing is required due to detrimental effects caused by present accommodation	Supporting evidence from a health or social care professional with direct knowledge of the applicant's condition
Medical condition is life threatening and re-housing is required due to detrimental effects caused by present accommodation	Supporting evidence from a health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs.
Planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy.	Evidence from Hospital Discharge Team / Social Care
Persons leaving care of the Local Authority's children services	A referral from their personal adviser and evidence that a support package is in place where applicable.

Persons approved by the Local Authority as foster carers or to adopt, who need to move to a larger home in order to look after a child under the care of the Local Authority's children services	Referral from Local Authority Children's Services confirming approval and requirements for a move to take on the care of a child.
Members of the Armed and Reserve Forces	Proof of Forces service and need to move
Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.	Confirmation of situation from Armed Forces
Victims of racial harassment amounting to violence or threats of violence	Referral / supporting evidence from a relevant agency e.g. Police, Victim Support, ASBT
Victims of hate crime	Referral / supporting evidence from a relevant agency e.g. Police, Victim Support, ASBT, Anthony Walker Foundation
Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes	Referral / supporting evidence from a relevant agency e.g. Police, Victim Support
Those who require rehousing due to a compulsory purchase order and/or subject to a local authority approved regeneration scheme	Copy of CPO and confirmation from the LA that the property falls within an approved Regeneration Scheme.
Persons participating in the Housing First Pilot led by the Liverpool City Region Combined Authority	Referral from LCR Housing First Administrator

#### Reasonable Preference – Band B

Criteria	Example evidence
Homeless, as defined by Housing Act 1996, Part 7, section 175, regardless of whether they have made an application for homelessness assistance, , including those who are owed the section 189B initial duty owed to all eligible persons who are homeless, but are not owed the section 188 interim accommodation duty	Referral from Homeless Team or following assessment by PPP Officer
Owed a duty under Housing Act 1996, Part 7, specifically, those who are: <ul style="list-style-type: none"> <li>a. Intentionally homeless and have a priority need for accommodation, owed the section 190 duty.</li> <li>b. Threatened with homelessness, owed the (prevention) section 195 duty.</li> </ul>	Referral from Homeless Team
Overcrowded due to lacking one bedroom	Evidence of the size of the property, such as property particulars or confirmation from the landlord, and the number of inhabitants, such as the electoral register. If necessary, an inspection may be carried out and advice sought from the Housing Standards

	Team. Refer to Overcrowding procedure Appendix 5.
Occupying insanitary housing or otherwise living in unsatisfactory housing conditions	Evidence that the applicant has made contact with their landlord and the Housing Standards team and copies of any improvement notices or prohibition orders issued. If an emergency prohibition order has been made, there should be a referral from the Housing Standards team with advice on the urgency of the situation.
Property in disrepair	Evidence that the applicant has made contact with their landlord and the Housing Standards team and copies of any improvement notices or prohibition orders issued. If an emergency prohibition order has been made, there should be a referral from the Housing Standards team with advice on the urgency of the situation.
Under-occupying social rented housing by one bedroom	Evidence of the size of the property, such as property particulars or confirmation from the landlord, and the number of inhabitants, such as the electoral register. If necessary, an inspection may be carried out. Refer to bedroom standard.
In housing need and needs to move on medical grounds (including grounds relating to a disability).	Referral from a medical professional (occupational therapist, psychiatrist, consultant, GP) or a social worker after a period of reablement provided by Adult Services has been completed. The key factor is the detrimental effect of the current accommodation so the referral could relate to the location of the property or its facilities. Whilst a referral is required and medical advice should be taken into consideration, it should not solely determine the outcome of the allocation officer's decision where there are other relevant factors.
In housing need and needs to move on welfare grounds.	Evidence of the applicant's welfare needs, such as confirmation from social services that the applicant is: a) providing accommodation for a care leaver or a person returning from a drug or alcohol recovery programme; or b) a young adult with learning disabilities who could not be expected to find their own accommodation.
In housing need and needs to move to a particular locality to avoid hardship to themselves or others (for example to access medical treatment, give or receive care or start employment/training).	Evidence of how the move will relieve hardship. For example: a) evidence from a family member who is suffering harassment and/or financial abuse and is in danger of losing their home that the applicant will provide emotional/financial support on moving; or

	b) evidence from a medical professional that the applicant needs to be in a specific area to access treatment for a medical condition that cannot be reasonably accessed where they currently live.
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**Additional requirements for special categories:**

If the applicant is under 18.	A third party to be a trustee of the tenancy and satisfactory evidence that the applicant can pay the rent, such as proof of earnings, or an adult guarantor.
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**Local connection:**

<b>Grounds for local connection</b>	<b>Example evidence</b>
Live within the Scheme area for two years (6 of the last 12 months or 1 of the last 5 years owed a homelessness duty) .	Tenancy agreement, Council tax or utility bills or bank statements. For proof of former residence, possibly confirmation from the electoral register.
Have employment in the local authority area or (if self-employed) have a work base in the local authority area. Must not be short term i.e. less than 12 month contract, or less than 16 hours per week and in receipt of UC / WTC	Wage slips or P60 if employed, rates or business utility bills or business bank statements for self-employed.
Have parents, adult siblings or adult children living in the local authority area who have lived in the area for at least 5 years.	Evidence of family connection, such as birth certificate, and evidence of family member's residence, such as tenancy agreement, Council tax or utility bills or bank statements. For proof of former residence, possibly confirmation from the electoral register.
Have special circumstances so should be deemed to have a local connection.	Evidence that the household includes someone who: a) is serving in the regular forces or who has served in the regular forces within the last 5 years; b) has recently ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partners where the spouse or partner served in the regular forces and their death was attributable (wholly or partly) to that service; or c) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service. d) Persons who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm It may be possible to verify special circumstances with a third party. For example, the police may be able to verify that a household is fleeing violence, a social worker may be able to verify that someone needs to be near a close relative to provide care or the homelessness team may be able to verify that

	the applicant was placed in interim accommodation outside the borough.
Clarification notes	<p>Applicants will only be awarded a priority band A or B for a Local Authority area where they have a verified Local Connection to the area as described above. For all other LA areas they will be awarded Band C.</p> <p>If they are claiming local connection based on residence and have been resident in more than one Local Authority area in the past two years, then they will only get a priority Band A or B for the area where they are currently resident or where they can demonstrate a local connection on other grounds e.g. employment or family connection. For all other Local Authority areas a Band C will be awarded.</p>

**Unacceptable behaviour:**

Appropriate evidence could be evidence from internal records, the applicant's current landlord or the police of the applicant or a member of the applicant's household. If no unacceptable behaviour is found, the applicant should be asked to confirm in writing that there has been no such unacceptable behaviour and should be reminded of the importance of not providing misleading or inaccurate information.

**Financial resources:**

Disqualification criteria	Example evidence
Owner occupier or has equity in a property (unless there are pressing health needs for sheltered housing).	Declaration on application form. Mortgage statements.
An applicant, or a member of their household with financial resources consistent with the UK Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates (disregards apply to Armed Forces personnel, see sections 3.2.14)	Proof UC in payment, Bank statements and declaration vi application form that this is not the case. If in receipt of Universal Credit this will suffice as evidence
An applicant who has been allocated social rented housing via this Scheme within the 12 months preceding a new application, and whose accommodation remains suitable.	Application housing history, PPP Records, landlord reference.
Participants of the Liverpool City Region Combined Authority Housing First Pilot are exempt from this qualification criterion	Housing First referral (see policy s3.2.2 for exemptions)

APPENDIX 3 –

**Policy for applying discretion when allocating housing**

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## **4.6.0 Discretion**

4.6.1 *Discretion about being made eligible, allocated social rented housing or awarded additional preference will be exercised only by the Local Authority's Senior Officer, limited only to individual cases, within the City Region area, where there are exceptional circumstances as defined below:*

1. *Providing protection to people who need to move away from another local authority area, to escape violence, harm, or intimidation.*
2. *In circumstances where an applicant needs to move due to a serious offence (equal to MAPPA level 2 or 3), as defined by the Serious Crime Act 2007, Part 1, Schedule 1, there will be joint working with the Police, Probation Services, Adult Care Services, health professionals, registered providers and other bodies, to manage any risk to the community.*

4.6.2 *When assessing whether discretion should be applied, the Local Authority will consider:*

1. *What the exceptional circumstances are. They should be unusual or remarkable circumstances which indicate that the applicant's housing needs are more urgent than other applicants*
2. *What will be the consequences if no discretion is exercised? This will include considering how serious the potential consequences are and how likely each potential consequence is*

4.6.3 *When deciding, the Local Authority will have regard to:*

1. *The fact that decisions to exercise discretion will be kept to minimum*
2. *The need for consistency with previous decisions whether or not to exercise discretion*
3. *What would be a fair outcome to ensure that there is no discrimination and*
4. *The likelihood and severity of the potential consequences of discretion is not exercised.*

*A decision as to whether or not to exercise discretion will be made at the point of receipt of application and again at the point of offer.*

*In all cases when direct offers are made, applicants will receive one direct offer only subject to the Local Authority's discretion to make a further direct offer.*

## Procedure for applying discretion when allocating housing

### **1. Assess whether the applicant has exceptional circumstances**

- a. The Senior Officer can exercise discretion if:
  - Providing protection to people who need to move away from another area within the scheme area, to escape violence, harm, or intimidation,
  - In circumstances where an applicant needs to move due to a serious offence (equal to MAPPAs level 2 or 3), as defined by the Serious Crime Act 2007, Part 1, Schedule 1, there will be joint working with the Police, Probation Services, Adult Care Services, health professionals, registered providers and other bodies, to manage any risk to the community.
- b. When assessing whether the application should be referred to the Senior Officer, the allocations officer should consider:
  - i. what the exceptional circumstances are. They should be exceptional, unusual or remarkable circumstances which indicate that the applicant's housing needs are more urgent than other applicants with reasonable preference;
  - ii. what will be the consequences if the Local Authority does not exercise discretion to move the applicant urgently. This should include considering how serious the potential consequences are and how likely each potential consequence is;
- c. If the allocations officer is in any doubt as to whether or not to refer the file, the officer should discuss the matter with a senior officer.

### **2. Refer to the Senior Officer**

- a. Once the applicant has been assessed as having exceptional circumstances, the Senior officer may refer the case to the Senior Local Authority Officer using a secure email.

### **3. Senior Officer to decide whether to exercise discretion**

- a. The Senior Officer will carry out a review of the file by considering all of the circumstances, details within the secure email, the PPP Housing Allocation

Scheme, any relevant legislation and statutory guidance and similar previous applications.

- b. As part of the review, the Senior Officer may require the allocations officer to collect further evidence about the circumstances and/or provide a more detailed report on the circumstances.
- c. When carrying out the review, Senior Officer will have regard to:
  - i. the fact that decisions to exercise discretion should be kept to a minimum.
  - ii. the need for consistency with previous decisions.
  - iii. what would be a fair outcome ensuring that there is no discrimination and that reasonable preference groups still have reasonable preference within the allocation system; and
  - iv. the likelihood and severity of the potential consequences if the Senior Officer does not exercise discretion. Got to be threat to life or irreversible harm?
- d. Example where discretion may be appropriate in the circumstances could be:
  - i. an applicant who is a witness in proceedings and who is being threatened or attacked in existing accommodation, where clear support from Merseyside Policy is present, so needs to move to a new area within the Liverpool City Region urgently.
  - ii. When the full housing need can't be fully met but an offer would improve their current situation

This example is not definitive in showing when discretion should or should not be exercised and is only included as guidance to assist the Senior Officer in assessing files.

- e. The Senior Officer should aim to make a decision on whether or not to exercise discretion within **7 days** of either receiving the secure email or receiving additional evidence or reports which have been requested (whichever is later). The Senior Officer should inform the officer of the decision as soon as possible after it has been made and should record the decision and the reasons for it on the file.

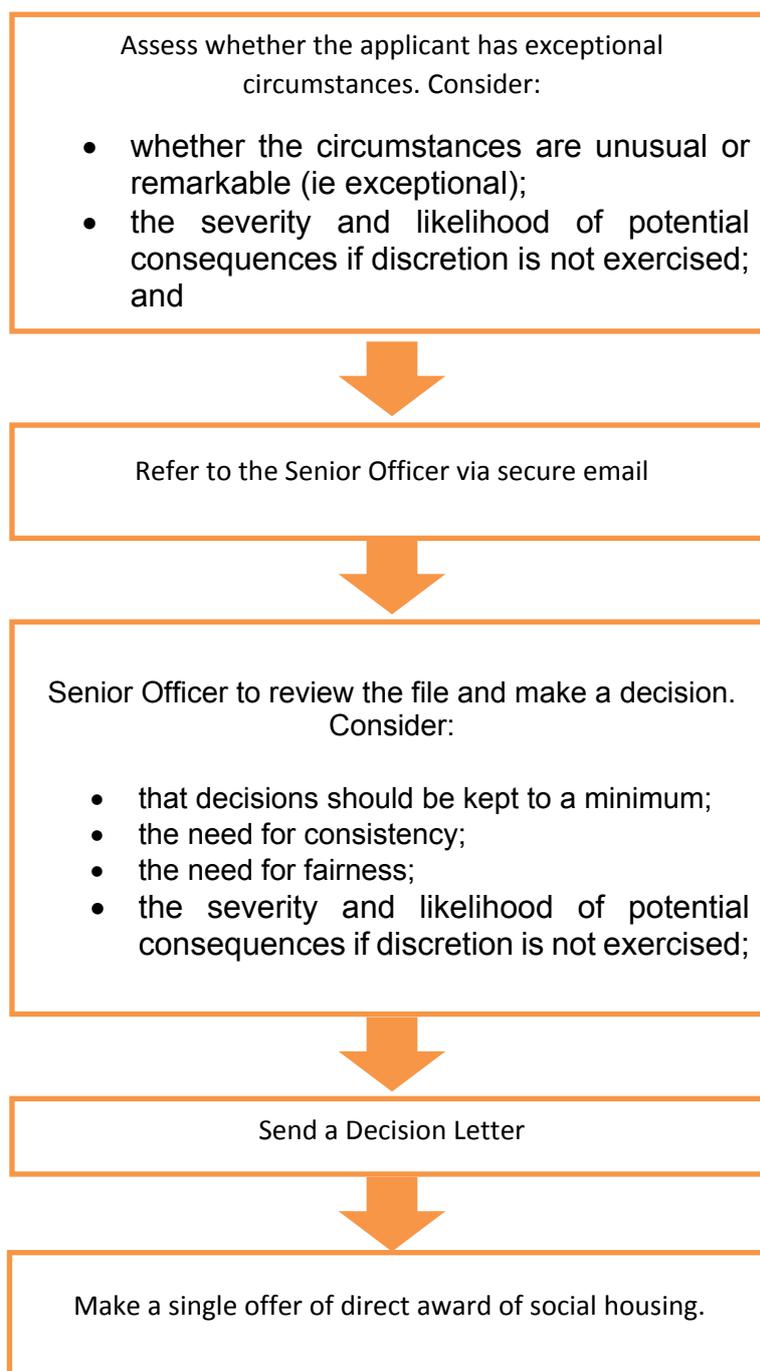
#### **4. Inform the applicant of the outcome**

- a. Once the assessment of the application has been completed, the Senior officer should inform the applicant of the outcome using a Decision Letter.
- b. In all cases when direct offers are made, applicants will receive one direct offer only subject to the Local Authority's discretion to make a further direct offer.
- c.

#### **5. Background information**

- a. This procedure applies to any applicants who have applied for an allocation of housing in the local authority area and are considered to be in exceptional circumstances so that discretion may need to be applied
- b. This procedure is in accordance with the Housing Allocation Scheme produced by The Council.
- c. Throughout this procedure, whenever a document is to be completed or issued, an electronic copy should be retained on the file.
- d. This procedure will be reviewed in line with any significant change in the Housing Allocation Scheme, legislation, statutory guidance or significant case law. Separate to this it should be reviewed every two years.

## Process chart for applying discretion when allocating housing



## **APPENDIX 4**

### **Procedure for dealing with requests for reviews of allocation decisions**

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### **1. Assess if the applicant is entitled to request a review**

- a) Applicants or their representative can request a review of a decision made in relation to their application via their administering scheme partner. The request for a review can be made in person, by telephone, by email or in writing within 15 working days from the date of being advised of the decision they are disputing. In exceptional circumstances, discretion may be used to proceed with the review, if the request for a review is made outside of the 15 working days.
- b) Applicants can only request reviews on the following grounds;
  - i. That an applicant is not eligible for an allocation of social rented housing, due to being subject to immigration control or being an ineligible person from abroad.
  - ii. That an applicant does not meet the qualifying criteria to join the housing allocation scheme.
  - iii. The degree of preference they have been afforded, including any changes made to the degree of preference they are entitled to.
  - iv. The facts of their case which are likely to be, or have been, taken account of when deciding whether to make a nomination to a Registered Provider, including their medical condition or welfare needs.
  - v. The type of social rented housing for which an applicant will be considered for.
  - vi. The extent of the applicant's household.
  - vii. Whether a nomination constitutes a final offer
- c) If the applicant is not entitled to request a review due to being outside of the timeframe or requesting on grounds other than those specified below. The applicant should be informed of this in writing.

### **2. Acknowledge receipt of the request**

- a) As soon as possible after receipt of a verbal or written request for a review, the officer must acknowledge receipt of the request.

### **3. Refer the request**

- a) As soon as the notification has been sent, the officer should refer the request to a senior officer who was not involved in the original decision.

### **4. Stage 1 review**

- a) The review will be carried out by a senior officer who was not involved in the original decision.
- b) The senior officer will carry out the review considering all of the facts, the policy, any relevant legislation and any statutory guidance. Any supporting documentation provided by the applicant or the applicant's representative will also be considered.

### **5. Inform the applicant of outcome of the stage 1 review**

- a) A response should be provided with the outcome of the review to the applicant within 15 working days of the request being received.

### **6. If the applicant is not satisfied with the outcome of the stage 1 review and wants to take further action**

- a) The applicant can request a stage 2 review within 15 working days of receiving the review decision notice advising them of the stage 1 outcome. This request for a review can be made in person, by telephone, by email or in writing, but must set out their reasons for the request.
- b) An acknowledgement letter must be sent to the applicant, copying in the relevant scheme council, within 10 working days of receipt of the stage 2 request.
- c) All the necessary documentation must be sent immediately to the relevant council, which should include the following;
  - The applicant's initial stage 1 review complaint
  - The response from administrating scheme partner
  - The applicants request that they wish to proceed to a stage 2 review
  - Electronic application file
  - Any other relevant documentation.

### **7. Stage 2 Review**

- a) The stage 2 review will be heard by a panel that will be chaired by a senior manager at the relevant scheme council and at least two other panel members, that will be either a officer from one or more of the administering scheme partners not involved in the original decision or stage 1 review and/or the property pool plus co-ordinator.
- b) Applicants will be offered the chance of presenting their case in person (or remotely via teams). Wherever possible a meeting will be convened within 15 working days of the acknowledgement letter being issued, however, this period may need to be extended but, in these cases, will be a maximum of 31 days.
- c) The panel will make their decision based on all the evidence that is detailed above. Please note that any new/additional evidence cannot be considered at Stage 2 but should be submitted to assessment prior to the Stage 2 Panel Hearing.
- d) The decision should be provided in writing within 10 working days from when the panel meets.

### **8. If the applicant wants to take further action**

- a) Applicants will be informed of their right to pursue a judicial review, where they believe there is evidence that a decision is irrational, illegal or falls to follow public law procedural requirement. This includes a refusal to take an application to join Property Pool Plus.
- b) An applicant can apply for a judicial review, if they can show that the review decision;
  - i. is contrary to the Part 6 of the Housing Act 1996
  - ii. is contrary to the Housing Allocation Scheme
  - iii. has been reached by applying an unfair or unlawful procedure
  - iv. is based on a mistake of law (or sometimes fact)
- c) To be able to apply for a judicial review, the applicant will have to apply for the Administrative Court's permission as soon as possible, but in any event within three months of being notified of the review decision.

- d) If the officer becomes aware that the applicant intends to apply for a judicial review, the officer should immediately pass the file to the legal team.
- e) If applicants are dissatisfied with how their application and any subsequent complaint has been handled by the Local Authority, they will be informed of their right to make a claim of maladministration to the Local Government and Social Care Ombudsman.

**9. Background Information**

- a) This procedure applies to any applicants who have requested a review of a decision in relation to the allocation of social housing in the local authority area.
- b) This procedure is in accordance with the Housing Allocation Scheme produced by the Local Authority.
- c) Throughout this procedure, whenever a document is to be issued, a copy should be retained on file.
- d) This procedure will be reviewed in line with any significant change in the Housing Allocations Scheme, legislation, statutory guidance or significant case law. Separate to this it should be reviewed every two years.

**Process chart for dealing with requests for reviews of allocation decisions**

Assess whether the applicant is entitled to request a review.



Send the review acknowledgment letter within 10 working days of receiving the review request



**A** If the applicant intends to apply for a judicial review of the decision, refer to the legal team.

## Determining an applicants' entitlement to bedrooms, for assessing overcrowding and under-occupancy

### 1.1.0 Determining bedroom entitlement to assess overcrowding or under-occupancy

- 1.1.1 If an applicant has applied on the basis that the applicant's existing accommodation is overcrowded or under-occupied, the officer should first establish the applicant's bedroom needs.
- 1.1.2 For the purposes of determining overcrowding or under-occupying, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01<sup>st</sup> October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
- i. A married or cohabiting couple,
  - ii. Adult aged 21 years or more,
  - iii. Pair of adolescents aged 10-20 years of the same gender,
  - iv. Pair of children aged under 10 years regardless of gender,
  - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
  - vi. An unpaired adolescent aged 10-20 years,
  - vii. An unpaired child aged under 10 years.
  - viii. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority
  - ix. An overnight carer for any usual household member, if the carer isn't a usual household member.
- 1.1.2 Once an applicant's bedroom needs are known, the Local Authority will confirm whether an applicant's existing accommodation is overcrowded or under-occupied. The Local Authority will confirm the size and type of the existing accommodation and the usual members of the applicant's household. This might include the Local Authority assessing the evidence provided by the applicant or if necessary, carrying out an inspection.
- 1.1.3 The following non-exhaustive list details the types of evidence an applicant may provide, all documents should be dated within the previous 3 months or linked to the current financial year's benefit award:
- i. Local Authority letter (council tax, benefits etc)
  - ii. DWP letter
  - iii. Payslip / P45 / P60
  - iv. Photo driving licence
- 1.1.3 Whilst determining whether an applicant is overcrowded or under-occupied, the Local Authority will consider whether any other services could assist an applicant in resolving their overcrowding or under-occupation and will advise the applicant accordingly.
- 1.1.4 The Local Authority will notify applicants as to whether they are overcrowded or under-occupying. Applicants that are overcrowded or under-occupied by two or more bedrooms will be placed in Band A. Applicants that are overcrowded or under-

occupied by one bedroom will be placed in Band B. Applicants that are not overcrowded or under-occupied will be placed into Band C, unless there are any other grounds relevant to their applicant (see section 4.2.4).

- 1.1.5 If there is any indication that the applicant may have contrived the overcrowding or under- occupancy situation with the intention of gaining preferential access to housing, the officer should ask the applicant for clarification. Should any further evidence provided by the applicant not provide sufficient clarification the officer will discuss the file with a senior officer. The officer and the senior officer should agree what further inquiries there should be carried out to confirm the situation.
- 1.1.6 Applicants who have contrived an overcrowding or under-occupation situation should be dealt with under the policy for dealing with potential cases of disqualification as set out in section 2.3.0.

## **2.2 Specific Arrangements**

- 2.2.1 Officers should discuss the potential of separate housing applications for households with qualifying adult children, if they are statutorily overcrowded at the point of application and are unlikely to have their housing needs fully met when making a single application.
- 2.2.2 Applicants may be awarded eligibility for an additional bedroom should they require and overnight carer who is required to have their own bedroom, or an additional room for medical equipment. Applicants should provide evidence from a health or social care professional with direct knowledge of the situation and housing needs.
- 2.2.3 A second ground floor living room can be regarded as a bedroom and included in the assessment of an applicant's bedroom need as such, except where the property has a through kitchen/lounge or kitchen/diner and only one other separate living room or the dividing wall between two living rooms has been substantially removed. In considering the use of a room which could be used as a bedroom, regard will be given to whether the room has a fixed heating Page 38 appliance with exposed flame which would make it unsuitable for use as a bedroom.
- 2.2.4 Where there is a requirement for space standards to be considered this will use the Housing Act 1985 and 2004 act to inform any decisions on applications.

## **Proposed amendments to the Property Pool Plus housing allocation scheme: summary of responses to the public consultation**

June 2021

**NEIL MORLAND CO**  
HOUSING CONSULTANTS

  
Property Pool Plus

  
**LIVERPOOL  
CITY REGION**  
COMBINED AUTHORITY

**Property Pool Plus**

Property Pool Plus (PPP) is a housing allocation scheme which operates across the local housing authority areas of City of Liverpool, the metropolitan boroughs of Knowsley, Sefton, and Wirral and the borough of Halton. PPP is a partnership between the aforementioned local housing authorities and numerous private registered providers of social housing. PPP provides a common procedure and approach to allocating social rented housing, using a choice-based method to let homes.

**Liverpool City Region Combined Authority**

The Liverpool City Region Combined Authority (LCRCA) is a local authority covering the City of Liverpool, the metropolitan boroughs of Knowsley, St Helens, Sefton and Wirral and the borough of Halton. Founded in 2014, an elected mayor leads the authority, together with the council leaders of the constituent local authorities. The LCRCA administers devolved powers from the UK Government, such as transport, economic development and regeneration functions.

**Neil Morland & Co**

Neil Morland & Co are housing consultants. Formed in 2011, we work throughout England, Scotland and Wales with national and local governments, housing associations, voluntary organisations and others. We believe there should be adequate housing for everyone. We improve the quality and potential of housing services and strategies.

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## Introduction

This report provides a summary of feedback received from a consultation, which invited comments on proposals to amend the Property Pool Plus housing allocation scheme.

These proposals relate to the following local authority areas:

- Halton Borough Council
- Knowsley Metropolitan Borough Council
- Liverpool City Council
- Sefton Metropolitan Borough Council
- Wirral Metropolitan Borough Council

The consultation was aimed at any member of the public. Neighbouring local authorities, social housing tenants, waiting list applicants, voluntary organisations and housing associations were expected to have an interest.

The consultation was run by each local authority via its own website and also via the Property Pool Plus website.

The consultation lasted for 12 weeks from [insert start date and end date].

The consultation could be responded to by using an online survey or, written responses could be submitted by email or sent by post.

Respondents were asked to confirm whether they are replying as an individual or submitting an official response on behalf of an organisation.

The Liverpool City Region Combined Authority on behalf of the local authority members of Property Pool Plus, commissioned an independent review of the way social rented housing is allocated. Review was carried out during 2019. A range of recommendations were made, including that the rules for allocating social rented housing should be amended to ensure full compatibility with the law and alignment with recognised good practice.

## Overview

A total of 4,344 individual responded to the consultation, along with 4 organisations. 36% of all respondents were from Liverpool, which is reflective of City residents equating to one-third of the population of the Liverpool City Region.

	<b>Halton</b>	<b>Knowsley</b>	<b>Liverpool</b>	<b>Sefton</b>	<b>Wirral</b>	<b>Total</b>
Individual	433	657	1,593	718	993	<b>4,394</b>
on behalf of an organisation	0	1	2	1	0	<b>4</b>
Grand Total	433	658	1,595	719	993	<b>4,398</b>

The majority (both in relative and absolute terms) of respondents agreed with all four key proposals being consulted on.

The proposed qualification criterion was the most commonly agreed with and the proposals for prioritisation was the least commonly agreed with. The proposed qualification criteria and was also the most commonly disagreed with and the proposals for affording additional preference were the least commonly disagreed with. The proposed qualification criteria and had the least amount of non-responses and the proposals for prioritisation have the most amount of non-responses.

More responses were submitted about the proposed disqualification criteria than any other question, with the least amount being submitted in response to the question about prioritisation.

More comments were submitted about the proposed disqualification criterion than any other question, the least amount of comments being submitted about the proposals for awarding additional preference.

## Summary of Responses

### Question 1. Do you agree or disagree with the proposed qualification criteria?

An overall average of 91% of consultees responded to this question, 66% of respondents agreed with proposed qualification criteria, compared to 24% disagreeing and 16% providing no response.

	<b>Halton</b>	<b>Knowsley</b>	<b>Liverpool</b>	<b>Sefton</b>	<b>Wirral</b>
Agree	68%	58%	60%	74%	62%
Disagree	20%	25%	21%	26%	23%
No response	12%	17%	19%	0%	15%

There were supportive comments made about the proposed amendments regarding disqualification due to antisocial behaviour.

Comments about the proposed rent arrears criteria were most frequently made in responses. The proposed new arrangements, abolishing an arbitrary cap and replacing it with an arrangement that require at least three consecutive repayments and for these to be no more than one month behind scheme is designed to more person centred, allowing unique circumstances to be better taken account of. Given the amount of concern raised from this survey about the proposed rent arrears criterion, it will be important to communicate the more advantageous arrangements that are being proposed, before and when they are put into force.

Comments were made disagreeing about proposals for two-year minimum local connection criterion, with many preferring local connection rules being relaxed or removed entirely. It has to be acknowledged that the two-year rule will disadvantage some applicants. It will be important to communicate that the two-year threshold is a requirement set out in statutory guidance. Equally, it will be valuable to promote the fact that exemptions will be made for those persons who are entitled to reasonable preference.

Comments were made about the exemptions specific for victims of domestic abuse, with respondents being concerned that these exemptions were adverse to the interests of persons in such circumstances. It will be important to communicate clearly all of the matters specific made throughout the whole policy (not just those specific to qualification) so victims of domestic abuse and organisations that might support them, are confident that the Property Pool Plus Scheme has been formulated to positively discriminate for victims of domestic abuse, so they can be rehoused as quickly as possible. There would be some benefit in publishing a specific guide for victims of domestic abuse, explaining how any applications will be handled and that the proposed amended scheme satisfies the directions set out in MHCLG's code guidance about making allocations of social

rented housing to the victims of domestic abuse and the new housing specific duties arising from the Domestic Abuse Act 2021

Comments were made about the exemption specific to Armed Forces personnel, veterans and their families, with respondents suggesting that such exemptions were unnecessarily favourable. There will be some benefit in publishing a specific guide for Armed Forces personnel, veterans, and their families, explaining how applications will be handled and that the proposed amended scheme satisfies the directions set out in MHCLG’s code of guidance about making allocations of social rented housing to Armed Forces applicants.

Comments were made disagreeing the proposal for an applicant’s equity or savings to be taken account of when considering whether a person qualifies to join Property Pool Plus. Likewise, some respondents also disagreed with the proposal to disqualify a person due to being a homeowner. It will be important to communicate that by law, social rented housing has to be allocated to people whose needs cannot be met by the general housing market. It will be essential to make clear that a person with savings or assets above the upper savings threshold, as fixed by the Department of Work and Pensions, has been deemed to be a sufficient amount for to secure housing from the general market. Equally, emphasise that this applies only to savings and assets, and not to income will also be helpful and that some exemptions have been made to homeowners in certain specific circumstances.

**Question 2 - Do you agree or disagree with the proposals for offering choice?**

An overall average of 88% of consultees responded to this question, 62% of respondents agreed with proposed qualification criteria, compared to 22% disagreeing and 21% providing no response.

	<b>Halton</b>	<b>Knowsley</b>	<b>Liverpool</b>	<b>Sefton</b>	<b>Wirral</b>
Agree	64%	54%	51%	73%	60%
Disagree	18%	22%	24%	26%	20%
No response	18%	24%	25%	0%	20%

Comments were made about proposals to limited the right of refusal of reasonable offers. Many respondents suggested that there should be no limit on the number of reasonable refusals an applicant is entitled to make. Others suggested that a cap of three should be applied across the scheme bands. Consideration could be given to revising current proposals for refusal of reasonable offers, to make this an equal threshold across all bands (e.g. a cap of three) for all applicants regardless of their circumstances. One consequence of making such a change, would be a possible reduction in the number of review requests relating to refusal of reasonable offers. Another consequence might be that persons who are homeless or owed a homelessness duty, might remain occupying

temporary accommodation longer than they otherwise could have done so. This might also be the case for persons occupying a hospital bed ready for discharge, anyone living in supported housing ready to move on, people waiting to leave the care of children services, and other applicants living in transitional housing or institutional environments.

Comments were made about applicants having the right to make more than three bids per week, with many applicants suggesting there should be no limit set at all. It will be important to communicate the reasons for why such a limit has been put in force and how this benefits the overall operation of the scheme. Proposed amendment made to the scheme set out at section 2 a range of information that will be provided about any given dwelling, subject to this being made available by registered providers. The scheme also sets out at section 2, the types of formats by which information will be provided. It will be important to ensure as much information is made available as possible and that this is set out in a user-friendly fashion. This information could be provided via the scheme website but also be made available in other electronic or printed formats.

Comments were made about clarifying what constituted a reasonable offer. Whilst these facts can be found from reading the proposed scheme rules, there will be some value in putting all this information together in section 5 of the proposed amended scheme.

Comments were made about dissatisfaction with the choice-based letting model and instead adopting alternative model of choice, that might also involve replacing the banding mechanism with a points-based system. It will be important to communicate the benefits of the choice-based lettings approach such as that it fosters transparency about what properties are available to let and to which applicants they were left to. When the scheme is next reviewed, consideration could be given to appraising the options available to facilitate choice and effectiveness of these.

**Question 3 – Do you agree or disagree with the proposals for affording additional preference to persons in the specified circumstances**

An overall average of 83% of consultees responded to this question, 69% of respondents agreed with proposed qualification criteria, compared to 14% disagreeing and 30% providing no response.

	<b>Halton</b>	<b>Knowsley</b>	<b>Liverpool</b>	<b>Sefton</b>	<b>Wirral</b>
Agree	54%	56%	57%	83%	63%
Disagree	16%	10%	12%	17%	12%
No response	30%	34%	31%	0%	25%

Comments were made about providing extra support with making an application and affording more priority for applicants with a disability and/or medical needs. Legislation already guarantees people support with making an application for an allocation of social

rented housing and assistance with expressing choice and responding to offers. The specifics of how this will be carried out under the Property Pool Plus scheme are set out in section 2 of the proposed amended rules. The availability of this assistance, including how to secure it, should be enthusiastically promoted prior and at the time of the amended scheme being launched. It's important to note that Liverpool City Council shall be commissioning an independent review of its accessible housing register, findings from which can inform any future amendments to Property Pool Plus scheme in respect of administering applications from disabled applicants. Notwithstanding this, any future guidance issued by the UK government on making allocations to disabled applicants, will be fully incorporated as required, into the operation of the Property Pool Plus.

Comments were made about overcrowded households, with some suggesting that they should be given less priority and others that they should be given more. It would be useful to publish specific information for applicants from overcrowded households, setting out the range of actions the local authority might be able to assist them with, via initiatives provided from a Council's private sector housing service and how such actions complement the prioritisation for an allocation from the Property Pool Plus scheme. Such information could also include how overcrowding can have an adverse effect on a household's well-being and how individual households might be able to prevent and tackle overcrowding themselves.

A common comment made by respondents who disagreed with the proposals for affording additional preference, was more priority should be given to people in employment. It will be important to emphasise the provisions within the proposed property pool plus scheme that recognise community contribution for applicants in employment and or education. It would also be useful to promote the fact that applicants who need to move will be suitably prioritised and might benefit from being exempt from the usual local connection criteria. There may be some value in considering whether greater regard is had to the principle of community contribution when prioritising applicants for an allocation. It's important to note that there were also comments that expressed an opposition to employment being a factor connected with prioritising how social housing allocations are made.

Comments are made that priority should be given on individual circumstances. It's important to communicate clearly to current and future potential applicants, that each person's unique situation is fully taken account of when they apply to join property pool plus and that that specific housing needs of any given household directly informs the degree of priority they are afforded.

Comments were made that more priority should be given to persons who are homeless or owed a homelessness duty. It will be beneficial to publish some specific advice for persons who are homeless or owed a homelessness duty, setting out how their application will be handled and the priority that they will be afforded. Such advice should explain clearly that any person who is homeless owed the relief duty or is homeless and owed the main duty, will be given additional priority than other persons who might be

homeless or owed any other homelessness duty. The advice should provide a justification for this, that being that typically persons out these duties are occupying temporary accommodation and would benefit from being rehoused into settled accommodation as quickly as possible. The advice should also explain that other persons who are homeless or owed other homelessness duties, including those who are threatened with homelessness, have been given the greater priority that they're entitled to in law. The advice should include a clear explanation of the legal definition of homelessness, set out the different homelessness duties that someone might be owed and explain the rights persons who are homeless or owed a homeless duty are afforded in housing allocation in law. It's important to note that Liverpool City Council has commissioned an independent review how best to allocate social rented housing to persons who are homeless or owed a homelessness duty, findings from which can inform any future amendments to Property Pool Plus scheme in respect of administering applications from applicants in these circumstances. Notwithstanding this, any future guidance issued by the UK Government on making allocations to homeless applicants, will be fully incorporated as required, into the operation of the Property Pool Plus.

Comments were made that more priority should be given to victims of domestic abuse. As mentioned previously in this paper, it will be important to publish specific advice for victims of domestic abuse, setting out how their applications will be handled and the degree of parity that they are being afforded and that the property pool plus scheme gives an additional property beyond the legal minimum requirements.

Comments were made that more priority should be given to victims of antisocial behaviour. Applicants in such circumstances can be afforded a reasonable preference for an allocation on the grounds of hardship. Consideration can be given to making this clearer within the rules that have been proposed.

Comments were made that more priority should be given to applicants living in the private rented sector whose homes are unaffordable and or in a state of disrepair. Anyone whose home is unreasonable to occupy due to affordability or fitness of condition (along with other matters such as overcrowding and domestic abuse) can approach a local authority and make an application for homelessness assistance. Following an assessment of the facts, the local authority will determine what duty, if any, is owed to a household in such circumstances. Where a local authority finds that a household's home is unaffordable or in an unfit condition, within the legal meaning of these terms, they will be entitled to receive assistance to obtain suitable accommodation. This would also result in an applicant being awarded a band B or band A status, subject to the homeless duty they might be owed. Other action might be taken by the local authority under the housing health and safety rating system, which could also result in an applicant being awarded a band B status, due to them living in unsatisfactory housing conditions.

Comments were made that those in high priority should be given more choice. Options in this respect were explored in response to the previous question. In summary, these could include amending the number of bids an applicant is entitled to make in any given

week, along with varying the number of refusals of offers an applicant is entitled to make. There is also an option to abandon the current choice-based lettings model and pursue an alternative, such as inviting applicants to select an area a preference they would like to live in (based on an electoral ward boundary for example) and to make a direct match when properties become available in an applicant's chosen locality. These options might be explored when the scheme is next reviewed.

**Question 4 – Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?**

An overall average of % of consultees responded to this question, 60% of respondents agreed with proposed qualification criteria, compared to 21% disagreeing and 33% providing no response.

	<b>Halton</b>	<b>Knowsley</b>	<b>Liverpool</b>	<b>Sefton</b>	<b>Wirral</b>
Agree	54%	46%	46%	75%	51%
Disagree	16%	18%	19%	25%	19%
No response	30%	36%	35%	0%	30%

Comments were made about the community contribution provisions set out within the proposed amended scheme. Assertions were made that the definition of commuter contribution was unclear and unfair. Statutory guidance encourages like authority to adopt a curious your contribution criteria. The concept a committee contribution has been tested in the courts and it is these judgements that haced directly informed how community contribution has been framed for the purposes of the amended scheme. There is a clear definition of what constitutes work and education and the evidence that must be sought to confirm these arrangements are in place. Furthermore, those who are unable, as opposed to on willing, to make a community contribution have also been taken account of and have been provided for within the rules.

Comments were made about affording more priority to applicants who are in employment but unable to access other housing markets. The scheme does not take account of earnings when determine qualification or prioritisation (although savings and assets are considered), nor are earnings taken account of at any time subsequent to a person becoming a tenant. Applicants who are in employment but whose earnings for below the required income levels to purchase a home, would benefit from more information via Property Pool Plus, about the array of low-cost home ownership schemes that they might benefit from.

Comments were made that more importance should be given to an applicant's proximity to their family. An applicant's family being resident in an area is one of the criteria that will be used to determine whether a person qualified to join the scheme. Where an

applicant either Gibbs or receives care from or to their family, these factors will be taken account of when determining the degree of prioritisation, they should be afforded.

Comments were made that indicated some respondents are confused about the bidding process, how banding status and duration on the scheme might affect the outcome of any given bid, subject to which other applicants might have also placed a bid on any given property. It will be important to communicate very clearly (ideally using illustrations and or videos alongside text or narrative) how the bidding process works, using a variety of illustrated examples to demonstrate the various outcomes that might occur.

Comments were made that raise concern about not all properties being advertised via Property Pool Plus and that this gave rise to a suspicion of a lack of transparency. Encouraging housing associations to advertise all vacant properties available to let via Property Pool Plus, regardless as to whether these are been allocated via the scheme rules or a housing associations own policy, will help to positively deal with these assertions. It will be important to continue the practice of publishing what property (by location, type and bedrooms) was let to which applicant (by band and waiting time), as this allows for everyone to have insight into typical waiting times.

Comments were made that there is a need for more housing, particularly larger family homes. This illustrates what are the limitations of a housing allocation scheme, in the fact that it does not increase the supply of homes available to that, but is solely concerned with making sure those that are available, are allocated in the fairest way possible. Notwithstanding this, intelligence that can be collected from those registered with Property Pool Plus, is invaluable to inform decision-makers how best increase the supply of new housing, while making the best use of existing homes.

### **Other comments**

Comments were made that waiting time rather than banding status should be the predetermined factor for allocating a home. To ensure the scheme complies with statute, Regulations and statutory guidance, a balance of both waiting time and need must be taken account of when making decisions about applications.

Comments were made about the dissatisfaction with information and assistance applicants received prior to and at the point of joining property pool plus and also once they had been accepted onto the scheme. There was a also criticism for the IT software that Property Pool Plus uses. Improving information and assistance provided to applicants with themes picked up in the review we carried out in 2019. Our recommendations regarding training and centralising of services will help to reduce dissatisfaction with these issues. Notwithstanding this, regular customer satisfaction survey should be carried out to identify opportunities for continuous improvement. There's already an intention to undertake a market testing exercise of software databases, to operate the Property Pool Plus scheme. It will be important to ensure there are opportunity to involve applicants in the design of any tender specification and the decision-making process for selecting any future IT supplier.

## **Conclusion**

The feedback provided from this consultation exercise will be carefully considered and acted on as required, when formulating the final amended version of the Property Pool Plus scheme. It is anticipated that any changes made will not substantially change the objectives and framing of the scheme, enough to warrant any further public consultation. A final version of the amended scheme will be put forward to elected councillors for them to decide whether to adopt it. Elected Council will be informed of consultation feedback and any changes acted upon as a result of it.

## Appendix 1 – Halton Public Consultation Summary

Following a 12-week public consultation on the proposed changes to the Liverpool City Region Allocations Scheme, the responses received by Halton Borough Council are detailed below.

### Who

The following table provides a summary of who responded to the survey:

Who	Total
as yourself	433
on behalf of an organisation	0
Grand Total	433

A total of 433 responses were received by HBC, 433 of which were responding as residents

### Qualifying Criteria

The following table provides a summary of whether respondents agreed or disagreed with the proposed qualifying criteria:

Count of Agree or disagree with qualification criteria	
Agree	294
Disagree	85
Grand Total	379
(blank)	54 (12%)

This section received a response rate of 88%. Of the 379 respondents, 69% agreed with the qualifying criteria proposals while 20% disagreed.

The following table categorises any additional comments respondents had on the qualifying criteria proposals:

Count of Qualifying criteria comments category	
ASB	5
Children In flats	1
Disagree with armed forces	2
Disagree with local connection	10
Disagree with rent arrears levels	22
Equity shouldn't be considered	5
Increased priority for workers	5
More support for disabled applicants	2
More support for homeless	2
More support in for DV cases	7
Not enough support for offenders	2
Grand Total	63

A total of additional comments were received for this section, with the 3 most common themes detailed below:

- 22 (35%) respondents stated that they disagreed with proposed rent arrears level before reducing an applicant’s eligibility, many highlighting the financial difficulties currently facing residents.
- 10 (16%) respondents stated that they disagreed with local connection.
- 7 (11%) respondents felt points surrounding victims of DV seem to be penalising

**Offering Choice**

The following table provides a summary of whether respondents agreed or disagreed with the proposals on offering choice:

<b>Count of Agree or disagree with offering choice</b>	
Agree	276
Disagree	79
Grand Total	355
(blank)	78 (18%)

This section received a response rate of 82%. Of the 355 respondents, 64% agreed with the proposals while 18% disagreed.

The following table categorises any additional comments respondents had on the offering choice proposals:

<b>Count of Offering choice comments category</b>	
Auto Bidding isn’t accurate to areas	1
Improved property information	3
Increase number of bids allowed	12
No definition of reasonable	3
Banding system confusing	5
More/fair choices available	9
Internet access limits to some people	1
Refusals too harsh	15
Grand Total	49

A total of 49 additional comments were received for this section, with the 2 most common themes detailed below:

- 15 (31%) respondents felt the proposed number of refusals per applicant prior to decreasing priority was too harsh.
- 12 (24%) respondents stated that an increase in the number of bids should be allowed.

**Additional Preference**

The following table provides a summary of whether respondents agreed or disagreed with the proposals on additional preference:

<b>Count of Agree or disagree with additional preference</b>	
Agree	287

Disagree	42
Grand Total	329
(blank)	104 (24%)

This section received a response rate of 76%. Of the 329 respondents, 66% agreed with the proposals while 10% disagreed.

The following table categorises any additional comments respondents had on the additional preference proposals:

<b>Count of Additional preferences comments category</b>	
ASB	1
Domestic violence	4
Downsizing	2
Foster carers	1
Rigid rules instead of case by case analysis	3
More support for homeless	3
More support for medical needs	7
More support for workers	1
More support for young people	2
Overcrowding	6
Overcrowding too generous	3
Should be time based	1
Grand Total	34

A total of 34 additional comments were received for this section, with the 2 most common themes detailed below:

- 7 (21%) respondents felt more support needed to be provided to applicants with medical needs, this ranged from increased priority or process support.
- 6 (18%) respondents felt that not enough priority is given to those in overcrowded situations and felt unsupported .

### **Prioritisation**

The following table provides a summary of whether respondents agreed or disagreed with the proposals on prioritisation:

<b>Count of Agree or disagree prioritisation</b>	
Agree	232
Disagree	71
Grand Total	303
(blank)	130 (30%)

This section received a response rate of 70%. Of the 303 respondents, 54% agreed with the proposals while 16% disagreed.

The following table categorises any additional comments respondents had on the prioritisation proposals:

<b>Count of Prioritisation comments category</b>	
Children in flats	2
Disagree with the bandings	3
Disagree with increase preference for workers	3
Downsizing	1
Financial support	1
More support for homeless	2
More support for workers	5
More support for young people	2
More support medical needs	7
More support for DV cases	1
Should be based on time	1
Shouldn't be based on time	4
Need to be based on individual personal circumstances	5
Suitability	1
Grand Total	38

A total of 38 additional comments were received for this section, with the 3 most common themes detailed below:

- 7 (18%) respondents felt more support needed to be provided to applicants with medical needs, this ranged from increased priority or process support.
- 5 (13%) respondents felt that more support should be given to workers and feel they wait and have no success in obtaining secure housing
- 5 (13%) respondents stated that priority should be given on individual circumstances and not apply a 'blanket' approach in banding people within the same band when some situations could be more priority than others.

### **Any other comments**

The following table categorises any additional comments respondents had on the proposed Allocations Scheme:

<b>Count of Any other comments category</b>	
Auto bids should go on at beginning of cycle	1
ASB	2
Bedroom criteria	4
Better customer information	2
Community contribution	1
Fair process	6
Quicker Process	3
Increased bids	1
Less Priority for workers	1
Localised approach	2

More for transfers	5
More personalised approach	14
More social housing	5
More support for homeless	2
More support for medical needs	6
More support for workers	19
More support for overcrowding	3
Poor service	6
Property quality	1
Priority with those who have access to children	1
Time over need	8
Time of bid	3
Want as well as need	1
Workers shouldn't be eligible	1
Under occupation support	2
Grand Total	100

A total of 100 additional comments were received for this section, with the 3 most common applicable themes detailed below:

- 19 (19%) respondents stated that more support and priority should be given to those in employment and currently feel the current system is penalising them.
- 14 (14%) respondents felt a more personalised approach should be adopted and that the policy is restrictive to individuals needs
- 8 (8%) respondents stated that increased priority should be given to applicants who have a higher waiting time rather than banding.

## Appendix 2 – Knowsley Public Consultation Summary

Following a 12-week public consultation on the proposed changes to the Liverpool City Region Allocations Scheme, the responses received by Knowsley Metropolitan Borough Council are detailed below.

### Who

The following table provides a summary of who responded to the survey:

Who	Total
as yourself	657
on behalf of an organisation	1
Grand Total	658

A total of 658 responses were received by KMBC, 657 of which were responding as residents while 1 respondent was responding on behalf of an organisation.

### Qualifying Criteria

The following table provides a summary of whether respondents agreed or disagreed with the proposed qualifying criteria:

Count of Agree or disagree with qualification criteria	
Agree	383
Disagree	166
Grand Total	549
(blank)	109

This section received a response rate of 83%. Of the 549 respondents, 70% agreed with the qualifying criteria proposals while 30% disagreed.

The following table categorises any additional comments respondents had on the qualifying criteria proposals:

Count of Qualifying criteria comments category	
Agree with support for armed forces	3
ASB	7
Children In flats	1
Disagree with armed forces	4
Disagree with disqualification	1
Disagree with local connection	13
Disagree with rent arrears levels	29
Equity shouldn't be considered	12
Exclude previous convictions	1
Income cap	5
Increased priority for workers	4
Increased priority for overcrowding	1

More support for disabled applicants	1
More support for homeless	4
More support for older applicants	3
N/A	7
Not enough support for offenders	1
Personal approach required	8
Grand Total	105

A total of 105 additional comments were received for this section, with the 3 most common themes detailed below:

- 29 (28%) respondents stated that they disagreed with proposed rent arrears level before reducing an applicant's eligibility, many highlighting the financial difficulties currently facing residents.
- 13 (12%) respondents stated that they disagreed with local connection.
- 12 (11%) respondents felt that an applicant's equity or savings should not be taken into consideration when applying for PPP.

### Offering Choice

The following table provides a summary of whether respondents agreed or disagreed with the proposals on offering choice:

<b>Count of Agree or disagree with offering choice</b>	
Agree	358
Disagree	142
Grand Total	500
(blank)	158

This section received a response rate of 76%. Of the 500 respondents, 72% agreed with the proposals while 28% disagreed.

The following table categorises any additional comments respondents had on the offering choice proposals:

<b>Count of Offering choice comments category</b>	
ASB	1
Choice	2
Improved property information	11
Increase number of bids allowed	4
More properties	6
More support for disabled applicants	3
More support for families	2
More support for older applicants	1
No definition of reasonable	10
Refusals too harsh	36
Grand Total	76

A total of 76 additional comments were received for this section, with the 3 most common themes detailed below:

- 36 (47%) respondents felt the proposed number of refusals per applicant prior to decreasing priority was too harsh.
- 11 (14%) respondents stated that improved information needs to be provided to applicants prior to bidding on properties, this included but not limited to; better property photos, viewings, floor plans.
- 10 (13%) respondents expressed a concern that the consultation/policy did not provide a definition of what would be considered a 'reasonable' offer and may lead to inconsistency or unfair decisions.

### **Additional Preference**

The following table provides a summary of whether respondents agreed or disagreed with the proposals on additional preference:

<b>Count of Agree or disagree with additional preference</b>	
Agree	368
Disagree	64
Grand Total	432
(blank)	226

This section received a response rate of 66%. Of the 432 respondents, 85% agreed with the proposals while 15% disagreed.

The following table categorises any additional comments respondents had on the additional preference proposals:

<b>Count of Additional preferences comments category</b>	
ASB	1
Domestic violence	2
Downsizing	2
Foster carers	1
Key workers	1
Less choice for homeless	1
More support for homeless	3
More support for medical needs	8
More support for workers	3
More support for young people	1
Overcrowding	3
Overcrowding too generous	5
Should be time based	1
Grand Total	32

A total of 32 additional comments were received for this section, with the 4 most common themes detailed below:

- 8 (25%) respondents felt more support needed to be provided to applicants with medical needs, this ranged from increased priority or process support.

- 5 (16%) respondents felt that the additional preference for overcrowding was too generous and people within this category had made choices that led them to become overcrowd and should therefore not receive any additional priority.
- 3 (9%) respondents felt that overcrowded applicants should receive more priority than currently proposed.
- 3 (9%) respondents stated that more support was required for homeless applicants.

### **Prioritisation**

The following table provides a summary of whether respondents agreed or disagreed with the proposals on prioritisation:

<b>Count of Agree or disagree prioritisation</b>	
Agree	300
Disagree	124
Grand Total	424
(blank)	234

This section received a response rate of 64%. Of the 424 respondents, 71% agreed with the proposals while 29% disagreed.

The following table categorises any additional comments respondents had on the prioritisation proposals:

<b>Count of Prioritisation comments category</b>	
Age designations	1
ASB	2
Bidding	1
Children in flats	1
Community contribution	8
Disagree with local connection	3
Downsizing	1
Financial support	2
Homeowners	1
Increase bids	1
Increased priority for armed forces	1
Key workers	1
More social housing	1
More support for disabled applicants	1
More support for homeless	3
More support for workers	7
More support for young people	1
More support medical needs	9
Poor property conditions	1
Poor system	11

Refusals	4
Should be based on time	1
Suitability	1
Want over need	1
Grand Total	64

A total of 64 additional comments were received for this section, with the 4 most common themes detailed below:

- 11 (17%) respondents commented on their overall dissatisfaction with Choice Based Lettings system based on a banding system.
- 9 (14%) respondents felt more support needed to be provided to applicants with medical needs, this ranged from increased priority or process support.
- 8 (13%) respondents raised concerns over the community contribution proposal, highlighting the lack of definition potentially leading to a lack of transparency or fairness and the potential equality issues facing those who are unable to provide 'community contribution'
- 7 (11%) respondents stated that increased priority should be given to applicants in employment who are unable to access other housing markets.

### Any other comments

The following table categorises any additional comments respondents had on the proposed Allocations Scheme:

<b>Count of Any other comments category</b>	
Age designated	2
ASB	6
Bedroom criteria	5
Better customer information	1
Community contribution	1
Disagree with rent arrears levels	1
Disrepair	1
Domestic abuse	2
Fair process	1
Finance	2
Increased bids	2
Less priority for armed forces	1
Less priority for convictions	1
Less priority for homeless	3
Local connection	5
Localised approach	1
More for transfers	1
More personalised approach	9
More social housing	17
More support for homeless	4

More support for homeowners	2
More support for medical needs	9
More support for workers	13
N/A	21
Poor service	26
Property quality	1
Refusals	1
Shorter bidding cycles	1
Single households	5
Time over need	6
Want as well as need	4
Workers shouldn't be eligible	4
Grand Total	159

A total of 159 additional comments were received for this section, with the 3 most common applicable themes detailed below:

- 26 (16%) respondents stated that they felt the overall service offered to customers was poor, the reasons for this included but were not limited to; poor IT system, poor customer service, disagree with the CBL approach.
- 17 (11%) respondents felt the Council should focus on ensuring the development of more social housing provision within the Borough to help meet residents' housing needs.

15 (9%) respondents stated that increased priority should be given to applicants in employment who are unable to access other housing markets.

## Appendix 3 – Liverpool Public Consultation Summary

### Easy Read

107 people answered

As yourself 100%

Q. Do you agree with who cannot apply for social housing?

Yes- 58.87%

No- 21.49%

No response – 10.28%

Main Comments:

- Local connection rules should be relaxed and made clearer
- More lenient approach should be taken on rent arrears
- Working people should be given more priority
- Disabled people should be given highest priority
- There should be greater recognition of problems with PRS

Q. Do you agree to these ideas about offering choice?

Yes- 52.33%

No- 38.31%

No response – 9.34%

Main Comments:

- Choice should be given re areas and properties
- Should be a limit on number of offers
- Homeless applicants should be given as much choice as everyone else
- People wanting to free up larger accommodation for families should be helped more
- There should be a separate list for homeless people

Q. Do you agree to add these reasons to why we give extra priority to people?

Yes- 69.15%

No- 16.82%

No response – 14.01%

Main Comments:

- Link between ASB and health and safety should be recognised more
- There should be more transparency in assessment of health needs
- Homeless people should be assessed separately

Q. Do you agree with using bands to put people in priority order for social housing?

Yes- 29.90%

No- 51.40%

No response – 18.69%

Main Comments:

- Lots of people in Band C who have no chance of being rehoused
- There should be a separate band for working people

- Credit should be given for waiting time
- Why should community standing be considered?
- Concerns that people manipulate the system and provide false information
- PPP has taken away personal attention to customers

Other Comments:

- It should be easier for people to explain their need for housing
- Concerns about digital exclusion and reliance on IT system
- Should be a limit of £10K on capital
- Quotas should be applied to the bands
- More help for people suffering ASB
- Reviews of applications should be undertaken when they have been registered for a given length of time

**Standard Version**

1486 responses

As yourself – 100%

Q. Do you agree or disagree with the proposed qualification criteria?

Agree- 59.55%

Disagree- 21.19%

No response – 19.24%

Main Comments:

- Local connection rules should be relaxed or removed
- Many comments that rent arrears exclusion rules were too harsh
- General support for ASB disqualifications
- A number of respondents felt having savings should not stop people applying or £16K limit was too low

Q. Do you agree or disagree with the proposals for offering choice?

Agree- 51.48%

Disagree- 23.82%

No response – 24.56%

Main Comments:

- There should be more information and photographs so that people can make informed choices about properties
- Lots of comments disagreeing with limits on refusals ranging from people having unlimited right to refuse to having the same number of refusals irrespective of priority
- Need a clear definition of what constitutes a 'reasonable refusal'
- People should be able to make unlimited bids in the cycle
- Bidding should be scrapped and replaced with a waiting list

Q. Do you agree or disagree with the proposals for affording additional preference to people in the above specified circumstances?

Agree- 56.59%

Disagree- 12.44%

No response – 30.95%

Main Comments:

- Several comments supporting needs-based approach
- Overcrowding should be given a greater priority
- Greater priority should be given for domestic abuse – several respondents were victims of DA
- ASB victims should be given more support
- Disabled people having real problems accessing suitable accommodation
- Mental health issues are understated
- General support for homelessness as a priority but terms such as relief and prevention should be better explained

Q. Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?

Agree- 45.82%

Disagree- 19.31%

No response – 34.85%

Main comments:

- People felt it would be difficult to define community contribution
- Employment shouldn't be a factor in prioritising applications
- Proximity to family should be given greater weighting
- Difference between medical priorities in B and C are not clear

Other comments:

- Many respondents felt the proposals were fair
- Administering partners should adopt a more personalised approach
- Some respondents clearly still confused about the bidding process and how position on the list changes during bidding cycle
- There should be more transparency e.g. why are not all properties advertised
- Several people highlighted difficulties and cost of living in the PRS
- Many respondents recognised the need for more housing particular some types e.g. larger family homes

### **COMBINED RESULTS (1593)**

Q1. Do you agree or disagree with the proposed qualification criteria?

Agree- 59.15%

Disagree- 33.77%

No response- 18.64%

Q2. Do you agree or disagree with the proposals for offering choice?

Agree- 51.53%

Disagree- 22.22%

No response- 23.54%

Q3. Do you agree or disagree with the proposals for affording additional preference to people in the above specified circumstances?

Agree- 57.43%

Disagree- 12.74%

No response- 28.56%

Q4. Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?

Agree- 44.00%

Disagree- 20.02%

No response- 35.96%

## Appendix 4 – Sefton Public Consultation Summary

### Easy Read

73 people answered

As yourself 100%

Q. Do you agree with who cannot apply for social housing?

Yes- 59.7%

No- 40.3%

Main Comments:

- Debt shouldn't prevent being accepted onto waiting list
- Rules for bedroom sharing appalling
- More freedom of movement across LCR
- Shouldn't be £16k limit

Q. Do you agree to these ideas about offering choice?

Yes- 50%

No- 50%

Main Comments:

- People in highest priority should still have choice, esp homeless
- Disabled people should be able to apply for whatever comes available

Q. Do you agree to add these reasons to why we give extra priority to people?

Yes- 88.33%

No- 11.67%

Main Comments:

- Priority should be given to those who need support from family to allow to move closer
- People who have 2 additional rooms should be given priority in order to free up that home for others

Q. Do you agree with using bands to put people in priority order for social housing?

Yes- 86%

No- 14%

Main Comments:

- Key workers & community contribution should be given a priority

Other Comments:

- Overcrowding households should only be able to exchange
- Need more bungalows
- Priority for local residents

**Standard Version**

646 responses

As yourself – 645

On behalf of Organisation – 1 (Sefton based organisation)

Q. Do you agree or disagree with the proposed qualification criteria?

Agree- 73.6%

Disagree- 26.4%

Main Comments:

- Covid should now be taken into account
- Disagree about preferential treatment to Armed Forces
- 16k not a lot of money these days to penalise
- Could be good mitigating reasons for arrears/debt
- Seems a blanket decision concerning homeowners but there may be other circumstances where social housing is needed

Q. Do you agree or disagree with the proposals for offering choice?

Agree- 73.5%

Disagree- 25.5%

Main Comments:

- People should not be limited – all levels should have 3
- Properties should be described better. Photos, floor plans etc

Q. Do you agree or disagree with the proposals for affording additional preference to people in the above specified circumstances?

Agree- 83%

Disagree- 17%

Main Comments:

- Assistance for those in the PRS, unaffordable and in disrepair should count
- Higher priorities should have more choice

Q. Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?

Agree- 74.5%

Disagree- 25.5%

Main comments:

- Community Contribution needs to be clearly defined
- Young people on low wages need supporting more
- Those struggling in PRS need help
- Individual circumstances need to be considered in all cases

Other comments:

- Workers should be given higher priority

**COMBINED RESULTS (719)**

Q1. Do you agree or disagree with the proposed qualification criteria?

Agree- 72%

Disagree- 28%

Q2. Do you agree or disagree with the proposals for offering choice?

Agree- 71%

Disagree- 29%

Q3. Do you agree or disagree with the proposals for affording additional preference to people in the above specified circumstances?

Agree- 84%

Disagree- 16%

Q4. Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?

Agree- 76%

## Appendix 5 – Wirral Public Consultation Summary

In total, **993** respondents completed the survey identifying 'Wirral' as their LA.

### Respondent Profile

100% of respondents taking part in the survey did so as 'individuals.'

0% of respondents taking part in the survey did so on behalf of an organisation.

### Quantitative and qualitative analysis

*"Do you agree or disagree with the proposed qualification criteria?"*

**84.6%** of all respondents answered this question.

**15.4%** of all respondents did not answer this question.

Of the respondents that answered this question:

**72.74%** (611) agreed with the proposed qualification criteria.

**27.26%** (229) disagreed with the proposed qualification criteria.

192 comments to this question were submitted.

A significant number of comments focussed on rent arrears and that a blanket approach to this issue does not consider any personal circumstances that led to the accrual of arrears. Many respondents felt that cases of former tenancy arrears should be viewed individually.

*"Unfortunately, people who have built up rent arrears of more than a month are penalised if they have lived in rented accommodation for years. This could actually be due to a number of factors, income drops from children moving out, a spouse dying, hospitalisation and out of work etc. After currently being served with a section 21 after FIFTEEN years of a tenancy, privately renting, I was penalised for having just 6 weeks arrears! In FIFTEEN years. No consideration to what caused it, like a criminal assault on my daughter which required surgery and me being out of work to care for her!"*

Disqualification of home-owners was another recurrent theme as respondents also felt that this did not take into consideration any personal circumstances such as those for whom their accommodation is suitable (e.g. as a consequence of disability etc)

*"The proposed policy outlined that they would disqualify anyone owning a property from their list, however, as I have said previously this would bring great detriment and discrimination to the elder 60+ years, who may require sheltered accommodation either due to their health, wellbeing or they are suffering harassment and the elderly need support, so, even if they own their own home and they should Not have to sell their property until they have secured a sheltered accommodation property, they need support and make friends within sheltered accommodation environment, it would be unlawful to force an elderly person to sell their home, but if the elderly person is offered a shelter accommodation place, they should also be given 3 choices of offers."*

*“Do you agree or disagree with the proposals for offering choice?”*

**79.75%** of all respondents answered this question.

**20.25%** of all respondents did not answer this question.

Of the respondents that answered this question:

**75%** (594) agreed with the proposals for offering choice.

**25%** (198) disagreed with the proposals for offering choice.

153 comments to this question were submitted.

A large number of respondents felt that a maximum of three bids per week is insufficient, with some respondents indicating that applicants should be allowed an unlimited number of bids.

*“It takes a long time to get a property on PPP therefore you should be able to bid for more than 3 properties.”*

*“Do you agree or disagree with the proposals for affording additional preference to people in the above specified circumstances?”*

**74.8%** (743) of all respondents answered this question.

**25.2%** (250) of all respondents did not answer this question.

Of the respondents that answered this question:

**84.5%** (628) agreed with the proposals for affording additional preference to people in the above specified circumstances.

**15.5%** (115) disagreed with the proposals for affording additional preference to people in the above specified circumstances.

122 comments to this question were submitted.

Generally, there was agreement amongst the respondents regarding additional preference. However, there were a number of remarks made that suggested that there should be no preferential treatment and that all applicants should be treated the same irrespective of their circumstances.

A recurring theme amongst those that disagreed was that people in employment should also be afforded additional preference.

*“I think some preference needs to be given to people like us who are both in employment, paying high private rent and in no position to buy a home so that we could have a chance at getting a home in which to bring up our family.”*

*“Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?”*

**70%** (695) of all respondents answered this question.

**30%** (298) of all respondents did not answer this question.

Of the respondents that answered this question:

**73.2%** (509) agreed with the with the proposals for prioritising people waiting for an allocation of social housing.

**26.8%** (186) disagreed with the with the proposals for prioritising people waiting for an allocation of social housing.

139 comments to this question were submitted.

Some respondents queried the term 'community contribution' and how this could be assessed fairly. Some comments suggested that this would indirectly penalise people with ill health s their ability to contribute may be limited.

Employment was another recurrent theme, with some remarks suggesting that the proposals disadvantage non-working households whereas, conversely, some respondents commented that the proposals didn't do enough to support employed households.

***Do you have any other comments about the proposed policy for allocating social housing?***

275 comments to this question were submitted.

The responses to this question were varied, with no particular stand-out theme.

Again, some respondents felt that the proposed system neglected people in full-time employment.

Some respondents suggested that offers of housing should be based solely on the length of time that a registration has been active.

The appropriateness of blanket policies, rather than consideration of individual personal circumstances, was again questioned by respondents



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# Liverpool City Region Combined Authority Area

## Allocation of Social Housing Policy Equality Impact Assessment

<b>Business Unit:</b>  <b>Director:</b>  <b>Lead Officer:</b>	
<b>Name of policy to be assessed:</b> Liverpool Social Housing Allocations Scheme	
<b>Brief description of policy to be assessed:</b> <p>All Local Housing Authorities, including those who no longer manage or own any social housing stock, are required to have in place a Housing Allocation Scheme (HAS), providing detailed information about all procedures that will be followed, and by which persons, in the allocation of Social Rented Housing within their local authority (LA) area. Statutory guidance<sup>1</sup> reminds LAs they must have regard to their duties under equalities legislation when framing their allocations qualification criteria within the HAS.</p> <p>This Equality Impact Assessment is part of the sub-regional review of the current HAS.</p> <p>The Local Authority intends to allocate homes in a fair, lawful and transparent way, that makes best use of the homes available. The HAS will set out how the Local Authority will allocate social rented housing to those persons applying to become a social housing tenant; and secure tenants seeking to move to another home let under secure tenancies.</p> <p>The HAS Procedure explains how priority between applicants will be determined and the arrangements for nominating applicants for homes owned by private registered providers of social housing (PRPs) who own and/or manage social rented housing in the LA area.</p>	
<b>Date of Assessment:</b> January 2020	<b>Person Responsible for Completing the Assessment:</b>  <b>Contact Details:</b>
<b>Brief description of the anticipated outcomes of the proposal:</b>  <p>Social Housing Allocations law and guidance<sup>2</sup> aims to ensure that LAs social housing is allocated to persons most in need, and therefore may necessarily contain positive discrimination in order to fully comply with the Public Sector Equality Duty.<sup>3</sup></p> <p>The HAS Procedure intends to ensure that at all times non-discriminatory decisions will be made about the allocation of social rented housing. The administrators of the HAS will be given training about housing allocation law and practice and their duties and responsibilities under the Equality Act 2010.</p>	

<sup>1</sup> Allocation of accommodation: guidance for local housing authorities in England 2012 para 3.20

<sup>2</sup> Allocation of accommodation: guidance for local housing authorities in England 2012 para 3.20

<sup>3</sup> Equality Act 2010, s 149(6)

Allocations will be monitored to understand the impact of the HAS on people with protected characteristics going forward, as recommended by good practice<sup>4</sup>. The monitoring will be used to ensure that the HAS does not negatively discriminate. Guidance<sup>5</sup>, while no longer in force gives a particularly relevant examples showing why this monitoring and analysis is essential to ensure that, for example the HAS is not directly discriminating by consistently offering inferior accommodation to people from certain racial groups.

All applicants will receive information and advice about their rights to make an application for an allocation of social rented housing, and assistance will be provided free of charge to any person who is likely to have difficulty in making an application (e.g. due to mental or physical impairment, or because of any other special characteristic) to join Property Pool Plus. This assistance will be extended to those who might require help to express a preference for an available property to let.

Information will be provided in translated and alternative formats (e.g. Braille, large print, audio etc) upon request. The special needs of specific groups of prospective applicants (e.g. the housebound, gypsies and travellers), will be taken account of when making any arrangement to access and provide information and advice. Information will be made available using a variety of media, including printed hard copy form, on the LA website and via the telephone.

Applicants will be informed of their rights to seek assistance from the Equality and Human Rights Commission, if they believe the Local Authority has breached the Human Rights Act 1998, by contravening their human rights or unlawfully discriminating against them. Those applicants who are unable to be involved or participate in their community due to an illness, disability, age or any other characteristic, will also be treated with the same favour as those who are actively involved or participating in their community.

A HAS must afford a reasonable preference to applicants who fall into certain statutory groups<sup>6</sup>, which has been established in case law to mean such applicants 'should be given a reasonable head start'<sup>7</sup>. The proposed HAS also affords additional preference to some prescribed applicants who have been afforded reasonable preference as provided by legislation<sup>8</sup>. The highest priority Band A will consist of applicants who will be awarded additional preference, in addition to being entitled to a reasonable preference for an allocation of social housing accommodation. These applicants are listed for each characteristic in Impact: Explanation column as Band A.

**Impact:** The HAS aims to have an overall positive effect on households in the area with significant housing need.

Protected Characteristic	Impact			Explanation	Evidence
	Pos	Neg	Neu		
Age	√			The procedure contains provision which positively discriminate due to age. These include:  Victims of hate crime amounting to violence or threats of violence	<b>3.1.1 Age<sup>9</sup></b> Currently, median age of lead tenants is recorded, but no other data is available with regard to age as a protected characteristic.

<sup>4</sup> p15 The Essential Guide to the Public Sector Equality Duty, 2011 (revised 2014)

<sup>5</sup> Statutory Code of Practice on Racial Equality in Housing, 2005 Example 38.

<sup>6</sup> HA 1996, s 166A(a)

			<p>due to their age being placed in Band A.</p> <p>Some social housing accommodation is specifically designated to applicants under the age of 35 years, or over the age of state pension entitlement due to the suitability for certain age groups and will be advertised as such.</p> <p>Sheltered and extra care housing is targeted specifically at older people, usually from 55 and upwards.</p> <p>Young applicants who have been looked after, accommodated or fostered by any local authority as part of the performance of its children social care duties by the LA will be exempt from local connection requirements when preparing to leave the care arrangements so that they can apply for a social rented home in their original home area.</p>	
Disability	√		<p>The procedure contains provision which positively discriminate due to disability. These include:</p> <p>Those whose medical condition is life threatening and their existing accommodation is a major contributory factor; those whose planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy; and victims of hate crime amounting to violence or threats</p>	<p><b>3.6.3 Wheelchair user standards<sup>10</sup></b>  Between 2013-14 and 2017-18, 5% of all Affordable Rent General Needs lettings and 3% of Social Rent General needs lettings across the 6 LCR areas met wheelchair user standards.</p>

<sup>7</sup> R v Wolverhampton MBC ex p Watters (1997)

<sup>8</sup> HA 1996, s 166A(3)

<sup>9</sup> A review of housing allocation in the Liverpool City Region, January 2020

<sup>10</sup> A review of housing allocation in the Liverpool City Region, January 2020

				<p>of violence due to their disability all being placed in Band A.</p> <p>Specific arrangements will be considered for each individual applicant and property where it may be accessible, informing an applicant of a property's accessible features and implementing a mechanism to identify the requirements of disabled applicants, to allow extra time for disabled applicants, if they need it, to accept an offer and for providing support in making applications.</p> <p>Applicants who can prove they have a continuing caring responsibility for someone who is resident in the Liverpool City Region, and that this care could not be provided unless they were resident in the region, will be exempt from local connection requirements.</p>	
Gender Reassignment (Transgender)	√			<p>The procedure contains provision which positively discriminate due to Gender reassignment. These include:</p> <p>Victims of hate crime amounting to violence or threats of violence due to gender reassignment being placed in Band A.</p>	There is currently no local allocations data available for this protected characteristic.
Sex (Gender),			√	<p>The procedure does not contain specific provision which positively discriminate due to gender, although the gender of each member of an applicant household is fully considered during the assessment process with regard to the size and type of</p>	<p><b>3.1.3 Gender<sup>11</sup></b> There was an imbalance of genders among affordable rent and social rent general need lettings, with 69% and 58% of lettings made to women, slightly higher</p>

<sup>11</sup> A review of housing allocation in the Liverpool City Region, January 2020

			<p>accommodation that would be suitable, due to children over a certain age not having to share a bedroom with a child of a different sex.</p>	<p>compared to 55% of female general needs lettings in England<sup>12</sup>. This is likely a result of the priority given to single parents by social housing providers.</p> <p>In contrast, new supported housing lettings contained more male tenants, averaging 58% of all supported housing lettings across the LCR, higher, compared with England, recording 52% of new supported housing lettings to male households in 2017-18<sup>13</sup></p> <p>This data will not all be relevant to this EIA but supports the Explanation (left).</p>
Race	√		<p>The procedure contains provision which positively discriminate due to race. These include:</p> <p>Victims of racial harassment amounting to violence or threats of violence, and victims of hate crime amounting to violence or threats of violence due to their race being placed in Band A.</p> <p>Essential and appropriate checks carried out to establish an applicant's eligibility to be allocated social rented housing will be monitored to ensure that they are not discriminatory on the basis of race, nationality, ethnic</p>	<p><b>3.1.2 Ethnicity<sup>14</sup></b></p> <p>In the LCC area black households were over-represented in new social housing lettings, at 5.8% compared to 4% of the English population<sup>15</sup>. Asian households were under-represented, constituting 2% of lettings but 7% of the population. The remaining 6.2% of new lettings were to households with mixed race, Chinese or other ethnic group lead tenants. The remaining 5 LAs</p>

<sup>12</sup> MHCLG Social Housing Lettings April 2017 to March 2018, England.

				origin, or any other protected characteristic.	recorded less than 3% black and other minority ethnicity (BME) households in new social housing lettings.
Religion/Belief	√			The procedure contains provision which positively discriminate due to religion/belief. These include:  Victims of hate crime amounting to violence or threats of violence due to their religion or belief being placed in Band A..	There is currently no local allocations data available for this protected characteristic.
Sexual Orientation (Lesbian, Gay and Bisexual)	√			The procedure contains provision which positively discriminate due to sexual orientation. These include:  Victims of hate crime amounting to violence or threats of violence due to their sexual orientation being placed in Band A.	There is currently no local allocations data available for this protected characteristic.
Pregnancy and Maternity	√			The procedure contains provision which positively discriminate due to pregnancy and maternity. These include:  Victims of hate crime amounting to violence or threats of violence due to their pregnancy or maternity being placed in Band A.	There is currently no local allocations data available for this protected characteristic.
Marriage and Civil Partnership			√	The procedure contains provision which positively discriminate due to marriage and civil partnership. These include:  Victims of hate crime amounting to violence or threats of violence due to their marriage or civil partnership being placed in Band A.	There is currently no local allocations data available for this protected characteristic.

#### Links to evidence

<sup>13</sup> MHCLG Social Housing Lettings April 2017 to March 2018, England.

<sup>14</sup> A review of housing allocation in the Liverpool City Region, January 2020

<sup>15</sup> Population denominators by ethnic group, 2017

## A Review of Housing Allocation in the Liverpool City Region, January 2020

MHCLG Social Housing Lettings April 2017 to March 2018, England

<https://www.gov.uk/government/statistics/social-housing-lettings-in-england-april-2017-to-march-2018>

### 2. Consideration of Alternatives

#### 2.1 Retain the current HAS

The current HAS must be updated and amended to ensure that the procedure complies with the most up to date legislation and case law, and that the impact on equalities is positive, therefore retaining the current HAS is not a viable option.

#### 2.2 Make additional or fewer amendments to the current HAS.

The consultation draft HAS that this EIA has assessed provides a clear but comprehensive procedure to help ensure that the allocation of scarce social housing is made to those in most need of it, in accordance with the most up to date legislation and case law, therefore fewer or additional amendments to the HAS will likely result in it not being fit for purpose, and possibly unlawful.

### 3. Consultation

Stakeholder/group consulted	Evidence/Link to data, reports etc
Liverpool Housing Directors Consultation event	
Housing Select Committee	
PPP Project Board	
Liverpool Private Registered Providers Consultation Event	
LA and Private Registered Providers Survey	
Stakeholder Survey	
Public Consultation Survey	

A consultation report will be published with all findings once all consultation has been completed and the responses analysed.

### 4. Monitoring Arrangements

- PPP Project Board members will review current monitoring arrangements and put in place quarterly and annual monitoring of the impact of the implementation of the HAS on equalities.
- Housing Select Committee to continue with its scrutiny role

### 5. Publication

**Where will this Equality Impact Assessment be**

**Reported:**

**Published:**

**Date:**

**Proposed implementation date of project/proposal:**

<b>Funding arrangements:</b>



## HOUSING COMMITTEE

Wednesday 02 March 2022

<b>REPORT TITLE</b>	<b>RENEWAL OF HOME ADAPTATIONS LIFTING SOLUTIONS CONTRACT</b>
<b>REPORT OF</b>	<b>DIRECTOR OF REGENERATION AND PLACE</b>

### REPORT SUMMARY

The purpose of this report is to seek approval to commence a procurement exercise to secure a contract for a range of lifting and other equipment to enable disabled and vulnerable residents to remain living independently in their homes. This will be a 5-year contract at an estimated value of £6.2m

The Home Adaptations Lifting Solutions Contract will support the Active and Healthy Lives theme of the Wirral Plan 2021 - 26, specifically the aim to 'support people to live independently'.

This matter is a Key Decision as it affects all Wards.

### RECOMMENDATION/S

Housing Committee is recommended to approve

- (1) That the Director of Regeneration and Place be authorised to extend the current contract for lifting solutions and other equipment to enable disabled and vulnerable residents within Wirral to live independently within their own homes ("the Services") for a further 6 months from the current expiry date of 31 May 2022; and
- (2) the proposed procurement process and strategy for the appointment of a tenderer to carry out the Services as set out at paragraph 3.7 of this report; and
- (3) That Delegated authority be given to the Director of Regeneration and Place to award the contract for the Services within approved budget and to the highest scoring tenderer and in accordance with the Most Economically Advantageous Tender criteria

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The Council has a statutory duty to deliver Disabled Facilities Grants and over several years has delivered this assistance and also developed discretionary assistance to enable disabled adults and children to remain living at home, to promote independence and a good quality of life, prevent carer breakdown, enable hospital discharge and to help reduce the dependence on other more expensive solutions such as residential and nursing care.
- 1.2 As part of this assistance, the existing contract for lifting solutions has been in place since 1<sup>st</sup> July 2018 and will cease on 31<sup>st</sup> May 2022. The Council has an option to extend this contract for 6 months to allow sufficient time to review contract options and re-tender which will require a minimum of 3-6 months for a new contract to be in place so that operations can continue seamlessly with the delivery of home adaptations. Agreement is therefore now required to commence a new procurement process.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 An options appraisal has been completed (appendix 1) that considers all the available options to ensure that the contract provides for the best quality equipment and installation, best timescales for delivery and an excellent customer journey and value for money for the Council.
- 2.2 As such, with assistance from Procurement, we are now reviewing whether to:
- Cease operating a contract and let clients take responsibility for obtaining 3 quotes for adaptations in their homes as was the case prior to the current contract
  - extend the existing contract by the full remaining 12 months option
  - re- tender in house along the same lines following review of specifications/Key Performance Indicators/ pricing schedules/Lots
  - piggyback onto an existing LCR (Liverpool City Council) tender/framework which named Wirral
  - access an existing framework via Fusion 21 (Procurement to advise / direct on whether there are any other providers to consider)

### **3.0 BACKGROUND INFORMATION**

- 3.1 Before the current contract was in place, the onus was on the clients to source 3 quotes against a specification provided by Council with guidance from their Occupational Therapist. This caused problems and delays for vulnerable clients and their families with regards to sourcing 3 quotes for step lifts, vertical lifts & hoists etc. To improve the customer journey, it was considered beneficial for the Council to seek a preferred partner(s) for stairlifts (curved & Straight), step lifts, ceiling track hoists, vertical lifts, automatic door systems & modular permanent ramps.

- 3.2 This would provide efficiency in delivery by improving turn round times & reducing technical officer time; as well as assisting vulnerable clients and their families who were struggling to source their own quotes. This would also contribute to Health and Social Care as well as Better Care Fund outcomes as quicker installation would potentially reduce the risks to clients, prevent admissions & support hospital discharge.
- 3.3 It was anticipated that there would also be efficiencies in Value for Money of equipment & installation cost if a framework tender approach was used.
- 3.4 Following a tender exercise, Prism won the contract for all lots excluding Ramps & Auto door openers as no bids were received for these. The estimated contract value for the previous tender exercise was £3,375,000.00 with an estimated annual value of £1,125,000.00, and initial contract period of 35 months and an option to extend for 1 or 2 years.
- 3.5 This contract has been delivered in a period of sustained increased demand for home adaptations as well as the difficulties in maintaining supply chains and increased materials costs following BREXIT. There have been performance issues linked to sub-contractors due to challenging market conditions with further difficulties introduced by the pandemic which caused disruption due to staff absences and an inability to re-mobilise quickly enough following furlough. While allowances have been made for factors beyond the control of the provider, there are still operational issues that are impacting on the service that is being offered to clients.
- 3.6 As a result of this reduction in performance, it is proposed to extend the current contract for up to 6 months and to undertake a new tender exercise that will allow the Council to seek tenders from manufacturer/installer contractors were possible, which will reduce supplier delays and other risks whilst improving the Council's leverage to manage performance challenges direct. This approach also enables the Council to flexibility of multiple contractors to be used and an access alternative contractor to be given work if there are performance issues against prescribed Key Performance Indicators by the tendered contractor.

### 3.7 **Considerations for new contract**

Broader requirements to be included in the tender specification include:

- Equipment quality
  - Equipment functionality breadth to ensure all occupational therapists needs assessments can be met as some models are restricted in specification.
  - Dwelling technical restrictions can be catered for i.e., narrow/steep staircases, restricted by orientation of landing & positioning of services.
  - Ability to and experience of delivery of desired specification (curved/straight)
  - Contractor reliability,
  - More than 1 contractor to reduce risk if delivery is threatened are considered /incorporated in any tendering/framework approach.
- Seek a more rapid response form the contractor to support the Council's Time Critical Adaptation Grant

It is proposed that the different equipment is broken down into separate lots to cover the following most used items:

- Straight Stairlift
- Curved Stairlift
- CTH
- Step Lift
- Vertical Lift
- Modular Ramps (permanent)
- Domestic automatic door opening system
- Rise fall changing tables (RFCT)

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 Funding for these works are from the Disabled Facilities Grant element of the Better Care Fund which is passported through to Housing Services to support adaptations in the Home. The funding allocation for 2021/22 is £4,723,627 which is currently fully committed and includes works under the current lifting solutions contract. It was confirmed in a government announcement at the beginning of December 2021 that funding for Disabled Facilities Grants will be sustained at the same level until at least 2024.
- 4.2 The contract size has been estimated based on current annual spend and consideration of the trend of increasing demand for the service each year. The total expenditure for lifting equipment (ceiling track hoists, stair lifts, vertical and step lifts in 20/21 was £626,000 and this year it is forecast to reach £898,000. The total expenditure for modular ramps in 20/21 was £77,000 and this year it is estimated to be £243,000. The spend for domestic door openers and rise and fall changing tables are estimated to be £100,000.
- 4.3 The total annual spend therefore for the proposed contract is estimated to be £1,241,000, which equates to £6,205,000 over the five-year proposed contract period. This is a small uplift from the current contract, but there are sufficient funds in the projected budget to cover this expenditure. While there has been a steady increase in the annual government grant for adaptations, should the allocation be reduced in years 4 and 5 of this contract, the adaptations programme would be reviewed and reprofiled to ensure there are sufficient funds to manage client demand for lifting solutions under this contract.
- 4.4 The impact of not spending on these critical adaptations is that vulnerable clients may not be able to remain in their homes thus losing independence and may therefore require residential care. Without adaptations residents may also require hospital admission or re-admission due to injury in the home, as well as exposing carers to the risk of injury and increasing the incidence of carer breakdown

## **5.0 LEGAL IMPLICATIONS**

- 5.1 The Council has a statutory duty to facilitate the application and delivery of Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996 and as well as mandatory assistance, other assistance for example Rapid Installation Grants and Time Critical Adaptation Grant assistance is provided by the Council's powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to help improve the homes of disabled Wirral residents, supporting them to live independently and safely.
- 5.2 The award of contract will be made based on the most economically advantageous tender (MEAT) scoring. The meaning of MEAT is currently governed by the Public Contract Regulations 2015. As criteria for the assessment of tenders on the basis of the best price-quality ratio, MEAT will always predominantly contain a cost or quality element, but the MEAT criteria may also include assessment on the basis of various other criteria linked to the subject-matter of the contract in question, including lifecycle costing and environmental or social aspects. For example, particular award criteria may consider the inclusion of vulnerable and disadvantaged people, local wealth building, training and educational aspects or the use of non-toxic substances in the production process to deliver the requirement. The Council's Contract Procedure Rules (Standing Orders) set out how contracts are to be awarded by the Council, which will include reference to the Council's Procurement Strategy and Social Value Policy.

Should the authorised Director wish to award the contract via a tender which does not hold the highest MEAT score or where the costs of the award will exceed the relevant budget, the matter will be referred back to this Committee for consideration.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 Existing staffing resources to undertake the procurement exercise will be required from both the Procurement and Home Adaptation Services, both of which have indicated they have capacity to undertake this work. All adaptations interventions discussed are currently managed using existing staffing, ICT, and other assets.

## **7.0 RELEVANT RISKS**

- 7.1 The risks of not having this contract in place to run seamlessly with the end of the current contract include:
- extremely vulnerable households being put at risk through the delay of installations of adaptations in the home.
  - potentially an impact of health and social care services if disabled individuals were not able to remain living independently in their homes through carer breakdown or by not being able to access basic facilities.
  - More hospital admissions through falls
- The use of multiple contractors helps reduce risks posed through a single contractor failing to perform so that service delivery can continue in the event of a single contractor being at capacity, performing poorly or ceasing trading.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 Satisfaction surveys are routinely carried out by the adaptations service and feedback incorporated into service improvements. Regular liaison with stakeholders including health and social care professionals, and external associations and advocates for disabled residents influence policy reviews and ensure continuous improvement.

## **9.0 EQUALITY IMPLICATIONS**

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision, or activity.

An EIA was completed for Wirral's Housing Strategy 2016 – 2020 [Microsoft Word - Housing Strategy 2016 - 2026 EIA \(wirral.gov.uk\)](#)

The adaptations service strives to support disabled Wirral residents to help them remain independent in their homes. The EIA included consideration of the work Wirral Council does in relation to adaptations in the home to meet the diverse housing needs for the borough and is still valid.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

- 10.1 The Home Adaptations Team is working with Foundations, a government advisory body for Home Improvement Agencies, and the Energy Savings Trust on the Energy Redress Scheme where Wirral Council will give energy advice to a target 600 Wirral residents over the next 12 months who have recently had a major adaptation or are waiting to have one installed. This will support disabled residents, who may be in Fuel Poverty, fuel debt or those living in properties with poor thermal efficiency to receive the appropriate advice.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

- 11.1 The Home Adaptation Team have been working with the Wirral Chamber of Commerce with the aim of expanding the number of local contractors and local supply chains that can be developed. The procurement exercise will ensure that social value is considered as part of the tender process.
- 11.2 We have also been working closely with the Motor Neurone Disease Association and have signed up to the MND Charter to ensure clients have a voice and their feedback regarding their customer journey contributes to service improvements

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## **APPENDICES**

### **APPENDIX 1: Options Appraisal for Lifting Solutions Procurement**

## **BACKGROUND PAPERS**

**Housing Committee 27<sup>th</sup> January 2021 PROPOSED AMENDMENTS TO THE PRIVATE SECTOR HOUSING AND REGENERATION ASSISTANCE POLICY**

### **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>

## Appendix 1: Options Appraisal

	Advantages	Disadvantages
<p><b>Option 1:</b> Let contract lapse and revert to asking clients to get 3 quotes</p>	<p>Less resource needed by the Adaptations Service to obtain quotes.</p>	<p>Some clients are not comfortable choosing or seeking quotes from contractors, leading to delays, stress for the family and delays in the process.</p> <p>Vulnerable clients struggle to grasp what information should be on a quote before it is submitted to Council from scrutiny, leading to a protraction of the process.</p> <p>Vulnerable clients have difficulty finding &amp; choosing 3 contractors to obtain quotes and unsure as to their quality /suitability, which is protracting the process.</p> <p>Delays in some cases is leading to an increase in social care/health costs.</p>
<p><b>Option 2:</b> Council Tender for one or several lots</p>	<p>Council has a large degree of control over specification and required service standards.</p> <p>Cost savings of 2% (£120,000 from using a framework agreement such as Fusion 21)</p> <p>More rapid response form the contractor to support the Council's Time Critical Adaptation Grant</p> <p>The Council to Consider/seek tenders from manufacturer/installer contractors were possible, which will reduce supplier delays and other risks whilst improving the Council's leverage to manage performance challenges.</p> <p>Ability to access alternative More than 1 contractor(s) to</p>	<p>Resources required for a new tender exercise.</p> <p>Risk that chosen contractors don't perform and must terminate the contract and start again.</p> <p>Council responsible for validating contractors claims regarding service and performance until they are appointed. (this is done for us if we call of a framework agreement)</p>

	reduce risk if delivery is threatened.	
<b>Option 3:</b> Take up option to extend existing contract with Prism for one more year	<p>Established relationship with existing contractor – know their strengths and weaknesses.</p> <p>Better warranties built into price (5 yrs) Contract KPI's assist delivery times &amp; support Council KPI's (when being met)</p> <p>Improved delivery turnaround times achieved Sole control of contract 1 provider should provide economies of scale with regards to administration &amp; monitoring i.e., single point of contract Better customer journey</p>	<p>Been difficult &amp; resource intensive to monitor &amp; manage KPI's and day to day performance.</p> <p>Performance has been poor at times.</p> <p>One contractor has led to limited ability to move to another provider or leverage to resolve – when incumbent experiences supplier, sub-contractor, performance or capacity issues or customer care issues occur.</p> <p>In hindsight Tender Exercise did not support - Difficult to analyse / test ability to deliver against Tender process as quality more important than cost – tender submissions promised a lot with some aspects not delivered Exposed to limited suppliers if market problems Some customer care issues experienced</p>
<b>Option 4:</b> Fusion 21 Framework	<p>Much reduced tender/procurement time frame</p> <p>More than 1 contractor so providing the ability to ensure continuity of delivery.</p> <p>Access contractors who specialise in the lots so maybe opportunity to reduce the reliance on sub-contractors.</p> <p>Replicating the tender process with existing Service Specifications under the umbrella of an already procured framework would seem enable access to the best of both approaches.</p>	<p>Contractors have already been selected by Fusion 21 so lack of choice of contractors</p> <p>Fees charged from 2% of contract value, i.e. up to £120,000 or with an additional 0.5% for a managed service to appoint contractors from Fusion 21.</p> <p>Many need to change suppliers half-way through the contract term as the Framework will need to be re-tendered before Wirral's contract term expires.</p>

<p><b>Option 5:</b> Call off LCC Framework which named Wirral Council</p>	<p>Specification and KPIs already fixed so less work involved in direct appointment</p>	<p>Specification and KPIs already fixed so limited flexibility to apply higher service standards</p> <p>Contract due to expire in 2022 and will need to be re-tendered therefore not in sync with Wirral's timescales</p>
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## HOUSING COMMITTEE

Wednesday, 2 March 2022

<b>REPORT TITLE:</b>	<b>HOUSING QUARTER 3 MONITOR REPORT</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF REGENERATION AND PLACE</b>

### REPORT SUMMARY

This report provides a summary of the projected year-end revenue and capital position for Housing Committee as at the end of Quarter 3 (to December 2021) of the 2021/22 financial year. The report provides Members with an overview of budget performance to enable the Committee to take ownership of their specific budgets and provide robust challenge and scrutiny to Officers on the performance of those budgets.

The Committee is accountable for ensuring that the committee budgets remain within the relevant envelope and will take collective responsibility via the Policy and Resources Committee to ensure that the whole Council budget remains in balance at all times, by agreeing mitigating actions to bring the budget back in line, should a deficit be forecast.

### RECOMMENDATIONS

The Housing Committee is requested to :

1. Note the projected year-end revenue forecast variance of £0.059m favourable position as reported at quarter 3 (Oct-Dec) of 2021-22.
2. Note progress on the achievement of approved savings and the projected year-end forecast position at quarter 3 (Oct-Dec) of 2021-22.
3. Note the reserves allocated to the Committee for future one-off commitments
4. Note the projected year-end capital forecast expenditure position of £7.669m as reported at quarter 3 (Oct-Dec) of 2021-22.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

1.1 Regular monitoring and reporting of revenue and capital budgets, reserves, savings achievements and Medium-Term Financial Strategy (MTFS) position enables decisions to be taken faster, which may produce revenue benefits and will improve financial control of Wirral Council.

### 2.0 OTHER OPTIONS CONSIDERED

2.1 Other reporting frequencies could be considered, but quarterly reporting is standard practice.

### 3.0 BACKGROUND INFORMATION

#### Revenue Forecast Position

3.1 This section provides a summary of the projected year-end revenue position as at the end of Quarter 3, Month 9 (December 2021) of 2021/22 financial year.

3.2 As at the end of September 2021, the forecast year-end position for the Housing service is a favourable variance of £0.059m against a budget of £7.583m.

**TABLE 1: 2021/22 Housing – Service Budget & Forecast**

Objective	Budget	Forecast	Variance (+ Fav, - Adv)		Adv/Fav
	£000	£000	£000	%	
Housing Strategy & Investment	481	479	2	1%	Favourable
Housing Standards	855	842	13	2%	Favourable
Homelessness	1,004	1,004	0	0%	
Supported Housing	4,361	4,317	44	1%	Favourable
<b>Directorate Surplus / (Deficit)</b>	<b>6,701</b>	<b>6,642</b>	<b>59</b>	<b>1%</b>	<b>Favourable</b>
Support / Admin Building Overhead	882	882	0	0%	
<b>Total Surplus / (Deficit)</b>	<b>7,583</b>	<b>7,524</b>	<b>59</b>	<b>1%</b>	<b>Favourable</b>

3.3 **Housing:** A favourable variance of £0.059m is reported for 2021-22, with grant support being received to support a number of activities, including Homelessness, Rough Sleepers and the Refugee Programme.

- 3.4 **Supported Housing service**– Favourable variance of £0.044m. This relates to Supported Housing lower staff costs of £0.039m and grant support for Hospital Discharge / Minor Adaptions.

**TABLE 2: 2021/22 Housing – Subjective Budget & Forecast**

Subjective	Budget £000	Forecast £000	Variance (+ Fav, - Adv)		Adv/Fav
			£000	%	
Income	-2,809	-3,852	1,042	37%	<b>Favourable</b>
<b>Expenditure</b>					
Employee	3,608	3,981	-373	-10%	Adverse
Non-Pay	5,903	6,513	-610	-10%	Adverse
Total Expenditure	<b>9,511</b>	<b>10,494</b>	<b>-983</b>	<b>-10%</b>	<b>Adverse</b>
<b>Directorate Surplus / (Deficit)</b>	<b>6,701</b>	<b>6,642</b>	<b>59</b>	<b>1%</b>	<b>Favourable</b>
Support / Admin Building Overhead	882	882	0	0%	
Movement on Reserves	0	0	0	0%	
<b>Total Surplus / (Deficit)</b>	<b>7,583</b>	<b>7,524</b>	<b>59</b>	<b>1%</b>	<b>Favourable</b>

- 3.5 **Income:** A favourable variance of £1.042m is reported for 2021-22. This relates to mainly to grant support income, including the Resettlement Programme, Homelessness and the Rough Sleeper Initiative.
- 3.6 **Employees:** An adverse variance of £0.373m is reported for 2021-22. This relates to increased costs associated with new grant awards (as shown in Income), with interim staff support to ensure services and projects can be delivered. This is offset by a favourable variance on increased income associated to support this.
- 3.7 **Non Pay:** An adverse variance of £0.610m is reported for 2021-22. This mainly relates to forecast costs for Homelessness which is covered by Grant funding income.

### **Budget Saving Achievement Progress**

- 3.8 Within each Committee's revenue budget there are a number of savings proposals, that were based on either actual known figures or best estimates available at the time. At any point during the year, these estimated figures could change and need to be monitored closely to ensure, if adverse, mitigating actions can be taken

immediately to ensure a balanced forecast budget can be reported to the end of the year.

**TABLE 3: 2021/22 Housing – Budget Savings**

<b>Saving Title</b>	<b>Agreed Value</b>	<b>Forecast Value</b>	<b>RAG Rating</b>	<b>Comments</b>
Cease support for Community Alarms	£0.20m	£0.20m	<b>AMBER</b>	Savings shortfall will be mitigated across Regeneration & Place via capitalisation of allowable costs.
<b>Total</b>	<b>£0.2m</b>	<b>£0.2m</b>		

### **Earmarked Reserves**

3.9 Earmarked reserves are amounts set aside for a specific purpose or projects.

**TABLE 4 : Housing Committee Reserves**

<b>Reserves</b>	<b>2021-22 Opening balance (£000)</b>
Selective Licensing	-538
HMO Licence Fees	-131
Maintenance & Emergency repairs	-71
Challenge Fund Properties	-22
<b>Total</b>	<b>-762</b>

### **2021/22 COMMITTEE CAPITAL BUDGET**

**TABLE 5: 2021/22 – Housing Committee Capital Budget & Forecast**

<b>Scheme</b>	<b>2021/22</b>		
	<b>Budget at 01.04.21 £000</b>	<b>Forecast Outturn £000</b>	<b>Variance £000</b>
<b>Housing</b>			
Aids, Adaptations and Disabled Facility Grants	7,782	7,002	-780
Clearance	390	10	-380
Empty Property Grant Scheme	380	337	-170
Home Improvements	0	250	250
Property Pooled Plus I.T System	0	70	70
<b>Total Housing</b>	<b>8,552</b>	<b>7,669</b>	<b>-883</b>

3.10 Table 5 summarises the forecast expenditure against Capital Budgets, which shows a favourable variance of £0.883m.

- 3.11 Aids, Adaptations and Disabled Facilities Grants has slipped £0.78m into 2022-23 for committed/planned programmes which will incur expenditure next financial year, following the transfer back to Housing of £0.743m from Adults allocation for Telecare.
- 3.12 Home Improvements has previously been approved by Members with budget provision top sliced from the Better Care Fund grant.
- 3.13 Members should note the majority of the housing capital programme operates on a rolling programme basis related to approvals and works being undertaken therefore expenditure against available budgets can fluctuate across financial years.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 This is the budget monitoring report that provides information on the forecast outturn for the Housing Committee for 2021/22. The Council has robust methods for reporting and forecasting budgets in place and alongside formal Quarterly reporting to the Policy & Resources Committee, the financial position is routinely reported at Directorate Management Team meetings and corporately at the Strategic Leadership Team (SLT). In the event of any early warning highlighting pressures and potential overspends, the SLT take collective responsibility to identify solutions to resolve these to ensure a balanced budget can be reported at the end of the year.

#### **5 LEGAL IMPLICATIONS**

- 5.1 Sections 25 to 29 of the Local Government Act 2003 impose duties on the Council in relation to how it sets and monitors its budget. These provisions require the Council to make prudent allowance for the risk and uncertainties in its budget and regularly monitor its finances during the year. The legislation leaves discretion to the Council about the allowances to be made and action to be taken.
- 5.2 The provisions of section 25, Local Government Act 2003 require that, when the Council is making the calculation of its budget requirement, it must have regard to the report of the chief finance (s.151) officer as to the robustness of the estimates made for the purposes of the calculations and the adequacy of the proposed financial reserves. This is in addition to the personal duty on the Chief Finance (Section 151) Officer to make a report, if it appears to them that the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.
- 5.3 It is essential, as a matter of prudence that the financial position continues to be closely monitored. In particular, Members must satisfy themselves that sufficient mechanisms are in place to ensure both that savings are delivered and that new expenditure is contained within the available resources.

#### **6 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There are no implications arising directly from this report.

## **7 RELEVANT RISKS**

- 7.1 The possible failure to deliver the Revenue Budget is being mitigated by:
1. Senior Leadership / Directorate Teams regularly reviewing the financial position.
  2. Availability of General Fund Balances.
  3. Review of existing services and service provision.

## **8 ENGAGEMENT/CONSULTATION**

- 8.1 The priorities in the Council Plan 2025 were informed by stakeholder engagement carried out in 2019.

## **9 EQUALITY IMPLICATIONS**

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.
- 9.2 There are no equality implications arising specifically from this report.

## **10 ENVIRONMENT AND CLIMATE IMPLICATIONS**

- 10.1 The Wirral Plan 2025 includes a set of goals and objectives to create a sustainable environment which urgently tackles the environment emergency. These are based on developing and delivering plans that improve the environment for Wirral residents. The performance report will include information on key areas where environment and climate related outcomes are delivered.
- 10.2 No direct implications. The content and/or recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

- 11.1 There are no community wealth implication arising directly from this report.

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## **APPENDICES**

None

## **BACKGROUND PAPERS**

- 2021/22 BUDGET MONITORING
- P&R Budget Monitoring 2021/22 Quarter 3

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Housing Committee	10 March 2021
Housing Committee	19 October 2021
Housing Committee	18 November 2021

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## HOUSING COMMITTEE

Wednesday 2 February 2022

<b>REPORT TITLE:</b>	<b>WORK PROGRAMME UPDATE</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF REGENERATION &amp; PLACE</b>

### REPORT SUMMARY

The Housing Committee is responsible for proposing and delivering an annual committee work programme. This work programme should align with the corporate priorities of the Council, in particular the delivery of the key decisions which are within the remit of the Committee.

The work programme is formed from a combination of key decisions, standing items and requested officer reports. This report provides the Committee with an opportunity to plan and regularly review its work across the municipal year. The work programme for the Housing Committee is attached as Appendix 1 to this report.

### RECOMMENDATION/S

Members of the committee are invited to comment on and note the proposed Housing Committee work programme for the 2021/22 municipal year.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1** To ensure Members of the Housing Committee have the opportunity to contribute to the annual work programme.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1** Various formats for the workplan were explored. The current format is open to amendment to match the requirements of the committee.

### **3.0 BACKGROUND INFORMATION**

- 3.1** The work programme should align with the priorities of the council and its partners. The programme will be informed by:

- (i) The Council Plan
- (ii) The Council's transformation programme
- (iii) The Council's Forward Plan
- (iv) Service performance information
- (v) Risk management information
- (vi) Public or service user feedback
- (vii) Referrals from Council

### **Terms of Reference**

The Housing Committee has responsibility for taking a strategic approach to the Council's various housing functions, including issues concerning social rented and affordable housing, homelessness, allocations and standards of housing.

The Committee is charged by full Council to undertake responsibility for:-

- (a) the Authority's role and functions in relation to strategic and private sector housing policies and as the housing authority, including but not limited to
- (i) the Council's Housing Strategy;
  - (ii) homelessness and the allocation of housing;
  - (iii) private sector housing, including taking action to remedy overcrowding, disrepair, unfitness and statutory nuisances; to promote fire safety in private sector housing and the Council's functions in relation to houses in multiple occupation;
  - (iv) licensing schemes;
  - (v) tenancy relations and the provision of housing advice;
  - (vi) relationship with Registered Providers of housing;
  - (vii) housing loans and grants;
  - (viii) housing related support services; and
  - (ix) policies and actions with a view to reducing and eliminating street homelessness to ensure that appropriate action is taken;

- (b) analysis, development and overview of housing policies in terms of spatial planning to submit to the Economy, Regeneration and Development Committee to inform the Local Plan and planning policies;
- (c) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions; and
- (d) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to the above functions.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 This report is for information and planning purposes only, therefore there are no direct financial implication arising. However, there may be financial implications arising as a result of work programme items.

#### **5.0 LEGAL IMPLICATIONS**

5.1 There are no direct legal implications arising from this report. However, there may be legal implications arising as a result of work programme items.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 There are no direct implications to staffing, ICT or Assets.

#### **7.0 RELEVANT RISKS**

7.1 The Committee's ability to undertake its responsibility to provide strategic direction to the operation of the Council, make decisions on policies, co-ordinate spend, and maintain a strategic overview of outcomes, performance, risk management and budgets may be compromised if it does not have the opportunity to plan and regularly review its work across the municipal year.

#### **8.0 ENGAGEMENT/CONSULTATION**

8.1 Not applicable.

#### **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

This report is for information to Members and there are no direct equality implications.

## 10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 This report is for information to Members and there are no direct environment and climate implications.

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## APPENDICES

Appendix 1: Housing Committee Workplan

## BACKGROUND PAPERS

The Council Plan

The Council's transformation plan

The Council's Forward Plan

The Constitution of the Council

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Housing Committee	28 October 2020
Housing Committee	26 November 2020
Housing Committee	27 January 2021
Housing Committee	10 March 2021
Housing Committee	19 October 2021
Housing Committee	18 November 2021
Housing Committee	27 January 2022

## HOUSING COMMITTEE

WORK PROGRAMME 2021/22

**Contact Officer/s:** Bryn Griffiths, Senior Democratic Service Officer  
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### PROPOSED AGENDA FOR HOUSING COMMITTEE

DATE: 02 FEBRUARY 2022

Item	Key Decision Yes/No	Lead Departmental Officer	Wirral Plan Priority
Liverpool City Region Tenancy Strategy 2022-25	Yes	Director of Regeneration and Place	Safe and Pleasant Communities
Social Housing Allocations Scheme (Property Pool Plus)	Yes	Director of Regeneration and Place	Safe and Pleasant Communities
Tender for the Home Adaptions Lifting Solutions Contract	Yes	Director of Regeneration and Place	Active and Healthy Lives

Deadline for Reports to SLT	Deadline for reports for briefing	Agenda Published
07.02.2022	14.02.2022	22.02.2022

### ADDITIONAL AGENDA ITEMS – WAITING TO BE SCHEDULED

Item	Approximate timescale	Lead Departmental Officer
Approval for Compulsory Purchase Order for Land at Trafalgar Road, Wallasey	Between March 2022 and June 2022	Director of Regeneration and Place

Approval of Housing Allocation Policy	Between March 2022 and June 2022	Director of Regeneration and Place
Central Government Housing Infrastructure Funding	Between March 2022 and June 2022	Director of Regeneration and Place
Strategic Housing Market Assessment	Between March 2022 and June 2022	Director of Regeneration and Place
Affordable Homes Update/Affordable Homes Statement	TBA with Party Spokes	Director of Regeneration and Place
LCR Local Authority Delivery (LAD) Programme Update	TBA with Party Spokes	Director of Regeneration and Place
Financial Assistance Update Report	TBA with Party Spokes	Director of Regeneration and Place
Housing Growth Strategy – Delivering for Wirral ( <b>Key</b> )	Between March 2022 and June 2022	Director of Regeneration and Place
Council Housing Building Options	Between March 2022 and June 2022	Director of Regeneration and Place
Housing Needs of Care Leavers	Between March 2022 and June 2022	Director of Regeneration and Place
Homelessness Update – Rough Sleeper Count and Next Steps Update	Between March 2022 and June 2022	Director of Regeneration and Place

## STANDING ITEMS AND MONITORING REPORTS

Item	Reporting Frequency	Lead Departmental Officer
Budget and Performance Monitoring Report	TBA	Director of Regeneration and Place
Housing Committee Work Programme Update	Every Committee	Bryn Griffiths

## WORK PROGRAMME ACTIVITIES OUTSIDE COMMITTEE

Item	Format	Timescale	Lead Officer	Progress
<b>Working Groups/ Sub Committees</b>				
-	-	--	-	-
<b>Task and Finish Reviews</b>				
-	-	--		-
<b>Spotlight Sessions and Workshops</b>				

Budget & Housing Workshop	Committee wide workshop	28.10.2020	Alan Evans	
Budget and Performance Workshop	Committee wide workshop	26.11.2020	Alan Evans	
Budget Workshop	Committee wide workshop	23.09.2021	Alan Evans	
Affordable Housing Statement	Committee Wide workshop	Date needs to be scheduled	Alan Evans	

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