

Appendix 1

Property Pool Plus Allocations Policy – Explanation of proposed changes.

1.0 Qualification

- 1.1 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. In the current policy whether a 16 or 17 year old has a guarantor is not verified until the offer of a property arises, the new draft policy will ensure this is checked at point of registration.
- 1.2 A child, defined as a child in need under the children act 1989, section 17, will be disqualified from being allocated social rented housing as the statutory responsibility for this lies with Social Care services. This is not explicitly set out in the current policy and for transparency is intended to be set out in the proposed draft policy. The only exception to this will be where agreed protocols exist between the Local Authority's children services and housing services for rehousing care leavers where this is an appropriate housing option.
- 1.3 A person lacking the mental capacity to hold a tenancy, will be disqualified from being allocated social rented housing. This criteria is applied presently but is not expressly made clear in the current policy therefore an amendment is proposed to clarify this.
- 1.4 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 criteria exists in the current policy, however amendments are proposed to make it clearer what constitutes unacceptable behaviour. The proposed new definition of unacceptable behaviour is as follows:
- persons who are causing or likely to cause a nuisance or annoyance to other persons, or the local authority, or registered providers e.g. where an Anti-Social Behaviour Order has been issued.
 - Persons who are perpetrators of domestic abuse, who are subject to specified court orders, which are in force at the date a person is applying for registration.
 - Persons who have an unspent conviction on the date of an application under 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. A conviction becomes spent after a certain period of time has passed (this is known as the rehabilitation period). The length of time before a conviction becomes spent will depend on the sentence which was given by the Court.
 - Persons who have breached an injunction under section 1 or been convicted under section 30 or have been given an order under section 18 of the Anti-Social Behaviour, Crime and Policing Act 2014, in the locality of a property which caused the nuisance, annoyance,

harassment, alarm or distress to another person, or the local authority, or a registered provider.

- Persons who have an unspent conviction for an offence under Section 80(4) or 82(8) of the Environmental Protection Act 1990 concerning noise from a property which was a statutory nuisance under section 79, part 3 of the Environmental Protection Act 1990
- Persons who have committed an act of fraud which has involved withholding falsifying or misrepresenting any information to access public funds and/or public services.
- Persons who have committed any other behaviour which would give grounds for possession under the Housing Act 1985, section 84, Schedule 2, Part 1, grounds 1 to 7 and section 80 4A e.g. deterioration in the condition of a property due to neglect, tenancy granted by a false statement
- The new policy will also make it clear that anyone with a spent conviction under the Rehabilitation of Offender Act 1974, section 4, (1) will be eligible to register and their conviction will not be taken account when making decisions about whether a person should be disqualified. A conviction becomes spent after a certain period of time has passed (this is known as the rehabilitation period). The length of time before a conviction becomes spent will depend on the sentence which was given by the Court.

1.5 The following criteria which are included in the current allocations policy concerning unacceptable behaviour, are not being carried forward to the new draft policy in order to meet current requirements in respect of housing allocations.

- Persons who have been convicted of arson.
- Person who have been previously evicted from a social housing tenancy.
- Persons who previously abandoned a social housing tenancy.
- Persons whose criminal convictions are not spent and are currently disqualified for a 12-month period from date of conviction / release from custody.

1.6 Persons who have outstanding liabilities, such as rent or service charge arrears or re-charges, above the equivalent value of one twelfth of the annual amount payable, which is attributable to a tenancy will be disqualified from being allocated social rented housing. The criteria in the current policy requires 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. However, amendments are proposed in the draft policy to the method used for calculating the amount of outstanding arrears by which it is acceptable to be allocated social rented housing. The new draft criteria still proposes a person is required to have a repayment plan, but instead requires at least three continuous affordable 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 i.e. any debts that can no longer be recovered

through court action. For rent arrears this will be after six years, for mortgage shortfalls the limitation period will be after 12 years. Debts which are subject to court action before the unenforceable period begins, will not become statute barred. Deciding on what a realistic affordable repayment amount would be will be based on all income a person receives and reasonable deductions i.e. accommodation costs, living expenses in line with benefit standard allowance rates, priority debts being paid, children living in the household.

The above is being proposed as they accord with established law and court rulings on judicial review cases.

- 1.7 Persons who have been evicted for any breach of tenancy conditions will be disqualified from being allocated social rented housing. This criteria prevails in the current policy however, does not explicitly state the meaning of term 'breach of tenancy conditions', which are will be defined as follows.
1. Sub-letting part or the 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.
 6. Having an unspent conviction for an indicatable offence committed in, or in the locality of their property.
 7. Acts of waste or neglect of their property or common parts of a building in which their property is situated.
 8. The condition of furniture provided by the Local Authority or a Registered Provider for use under the tenancy or in common parts has deteriorated due to ill treatment.
 9. Obtaining a tenancy by knowingly or recklessly making false statements.
 10. Or any other scenario that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A.
- 1.8 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. In order to be awarded a priority above band E in the current policy, persons must 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 as detailed below. To bring the current policy in line with statutory guidance the minimum period to establish a local connection should be fixed at two years. 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.
- 1.9 Changes to qualification criteria to be used for both homeowners and those with savings are being proposed to ensure that social housing is targeted to those in most need. The supply of accommodation in this sector is limited and therefore there is a need to ensure that the existing supply is targeted to

those most in need. It is therefore proposed that persons who are homeowners will be disqualified from being allocated social rented housing. This is a change to the current criteria, it has been proposed to ensure the new policy accords 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, safety issues on accessing the property, abuse from someone living at the property.

Persons who have savings above £16,000 will be disqualified from being allocated social rented housing. This is a change to the current criteria as there is no savings limit at all, it has been proposed to ensure the new policy accords with law and statutory guidance. The sum of £16,000 has been adopted as this accords with the rate at which the Department for work and pensions fixes its own criteria regarding entitlement welfare benefits.

1.10 Proposed exemptions on the above are as follows: -

- Persons who are victims of domestic abuse will be exempt from the local connection, home ownership and savings restrictions.
- Homeowners whose needs cannot be met in the wider housing market i.e. exceptional circumstances where an individual does not have the means, and the market cannot resolve their own housing need.
- 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 are considered. Persons who are currently serving in the armed forces or have done in the preceding five years plus their spouses, also 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, will all be exempt from local connection requirements.

2.0 Choice

2.1 People will continue in the main to be offered the opportunity to express a preference about the social rented housing that might be allocated to them. This will be done via an online platform, by placing bids against a property which is being advertised as available to let. 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, three refusals for those in band C, and unlimited refusals for those in Band D. The proposed policy on refusals will ensure every applicant within their band is treated consistently with the exception of Band B homeless and prevention cases who will have the same number of refusals as a Band A homeless case to ensure fairness.

3.0 Reasonable and Additional Preference

3.1 Following a person / household meeting the qualifying criteria to register for social housing, the law then requires that the following persons are given a reasonable preference over others who are considered to have no priority rehousing need 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.

3.2 Local authorities have the ability to give a greater priority to any applicant meeting the reasonable preference criteria listed above, this is known as an 'additional preference'. The current policy does distinguish in terms of priority banding those who are given a greater priority for rehousing i.e. overcrowded by 2 bedroom is given a greater priority than a household overcrowded by 1 bedroom however this was not clearly specified in the policy as an additional preference so is a technical change to ensure we are clear in our approach to meeting government guidance. It is proposed that in future the following persons will be given an additional preference for an allocation of social housing, and this will be demonstrated by placing all such persons in the highest priority band A:

- Victims of domestic abuse.
- Victims of racial harassment amounting to violence or threats of violence.
- Victims of hate crime amounting to violence or threats of violence.
- Witnesses of crime or victims of crime who would be at risk of intimidation amounting to violence or threats of violence.
- People escaping serious antisocial behaviour.
- People whose medical condition is expected to be terminal and rehousing is required due to the detrimental effects caused by present accommodation.
- People whose medical condition is life-threatening and rehousing is required due to detrimental effect caused by present accommodation.
- People who are ready to be discharged from hospital and there is no accommodation available to them to be discharged to.
- People who are required to leave their home due to fire safety concerns.
- People who are severely overcrowded enough to be to present as a category one hazard under the Housing Act 2004, Part 1, Housing Health and Safety Rating System.
- People leaving the care of the Local Authority's children services.
- 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.

- People who are require rehousing due to a compulsory purchase order
- Who are participating in the housing first pilot led by the Liverpool City Region Combined Authority.
- People who are homeless owed the initial relief duty.
- People who are homeless owed the main housing duty, due to being not intentionally homeless and having a priority need for accommodation.
- Members of the armed and reserve forces, including former members and bereaved spouses and civil partners.

4.0 Priority

4.1 The current policy involves six different bands, from A to F. Bands A – C are those who have an identified housing need, those in Bands D have no housing need but are in employment and Band E have no housing need and not in employment. Band F are those who have not been disqualified from the housing register but have a reduced priority due to housing related debt being owed.

4.2 It is proposed applicants will be prioritised for an allocation of social rented housing according to:

- Four bands, and in the order of A to D.
- Where two or more applicants might have the same priority, an offer of accommodation will be made to the household who was given the priority band first.

Where two or more applicants might still have the same priority banding date, then those who are making a community contribution as defined in the policy including employment, education and armed forces service will be prioritised.

4.3 Band A will consist of people who are owed a reasonable preference but who have also been awarded an extra priority through the additional preference criteria - See 3.2 above for list.

4.4 Band B will also consist of the following people who are owed a reasonable preference for priority however are not considered to have an urgent need and therefore would not be awarded a further additional preference:

- People who are homeless not already included in Band A, regardless of whether they have made an application for homeless assistance.
- 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 in sanitary 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 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 persons condition will be contacted by the local authority for an opinion of the persons health and the impact on their housing needs. The local authority will consider whether an applicant 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.
- 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.

4.5 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.

4.6 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. Applicant will remain in band D for a period of 12 months.

5.0 Existing Applicants

5.1 Applicants in the current band A would 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 is proposed that all bandings and prioritisation of people within them will be consistently applied across all local authorities.