

Property Pool Plus Procedures

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

Author	Version	Date
Neil Morland	First Draft	August 2019
Kate Barber	Second Draft	December 2019
Neil Morland	Third Draft	July 2020

DRAFT

DRAFT

Contents

1.0	OVERVIEW.....	4
1.1.0	INTRODUCTION	4
1.2.0	PURPOSE OF THIS POLICY.....	4
1.3.0	PRINCIPLES OF THIS POLICY.....	5
1.4.0	CONSULTATION.....	7
2.0	INFORMATION, APPLICATIONS AND DECISION-MAKING	9
2.1.0	INFORMATION	9
2.2.0	APPLICATIONS	10
2.3.0	DECISION-MAKING	13
2.4.0	REVIEWS	14
3.0	ELIGIBILITY AND QUALIFICATION.....	16
3.1.0	ELIGIBILITY	16
3.2.0	QUALIFICATION	18
3.3.0	DETERMINING ELIGIBILITY AND QUALIFICATION	21
3.4.0	NOTIFICATIONS OF DECISIONS AND RIGHT TO A REVIEW.....	22
3.5.0	RENEWED APPLICATIONS	22
4.0	ALLOCATIONS.....	23
4.1.0	ADOPTING THIS POLICY.....	23
4.2.0	DETERMINING PRIORITY FOR AN ALLOCATION FOR HOUSING	24
4.3.0	LOCAL LETTINGS SCHEMES.....	27
4.4.0	AVOIDING DISCRIMINATION AND ENHANCING EQUALITY OF OPPORTUNITY	28
4.5.0	BEST INTERESTS OF CHILDREN.....	28
4.6.0	DISCRETION.....	29
4.7.0	CHALLENGES ABOUT THIS POLICY	29
5.0	BEING ALLOCATED A PROPERTY	30
5.1.0	CHOICE	30
5.2.0	DIRECT LETS	30
5.3.0	OTHER GENERAL POINTS.....	30
6.0	OTHER ARRANGEMENTS	32
6.1.0	APPLICATIONS TO PRIVATE REGISTERED PROVIDERS OF SOCIAL HOUSING.....	32
6.2.0	NOMINATIONS	32
6.3.0	TRANSFERS	32
6.4.0	CONTRACTING-OUT.....	33
6.5.0	COMPLAINTS, APPEALS AND LEGAL CHALLENGES	33

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 units under the Local Authority New Build Programme.
- 1.1.3 Throughout the Procedure, 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 Procedure 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 Procedure. Where such arrangements have been established, any reference to made in this Procedure to the Local Authority automatically extend to any third party appointed to undertake such administration.

1.2.0 Purpose of this Procedure

- 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 Procedures shall demonstrate how the Local Authority will allocate social rented housing to:
- a. persons applying to become a social housing tenant; and
 - b. secure tenants seeking to move to another dwelling house (“**Transfer Applicants**”), let under secure 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 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 (“**Registered Providers**”) who own and/or manage social rented housing in the Local Authority area.

1.2.3 A copy of this Procedure 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 procedures have 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 (with exceptions for those being nominated via direct lets), 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 addressed.

1.3.0 Principles of this Procedure

1.3.1 This Procedure 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. Housing and Regeneration Act 2008
5. Localism Act 2011
6. Armed Forces Act 2006
7. Asylum and Immigration Act 1996
8. Immigration and Asylum Act 1999
9. Children Act 2004
10. Equality Act 2010
11. Data Protection Act 2018
12. Statutory guidance on the relevant legislation
13. The regulatory framework for Private Registered Providers of social housing in England published by the Homes and Communities Agency, in particular the 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 Procedure 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 Procedure, an “**allocation**” is defined as occurring when the Local Authority nominates a person to be a secure or introductory tenant of social rented housing held by a Registered Provider.

1.3.5 Actual entry by an applicant into a tenancy agreement for a particular property is beyond the scope of this Procedure. 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. Registered Providers have their own rules and policies for these matters, which should be referenced for further details (which can be requested directly from a Registered Provider):

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').
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.

1.3.7 When drawing up this Procedure, 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:

1. *Halton Homelessness Strategy 2019 – 2024*
2. *Knowsley Homelessness Strategy 2020 – 2025*
3. *Liverpool Homelessness Strategy 2016 – 2020*
4. *Sefton Homelessness Strategy 2018 – 2023*
5. *Wirral Homelessness Strategy 2020 - 2025*
6. *Liverpool City Region Tenancy Strategy*

- 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 Procedure;
 - b. any subsequent alteration to this Procedure that would affect the relative priority of a large number of applicants; and
 - c. any significant alteration to any associated procedures for administering Property Pool Plus.
- 1.3.9 Elected Councillors of the Local Authority are prohibited from making a decision 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 Procedure. 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.
- 1.3.10 Copies of this Procedure are made available 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 are of a class of person matching the disqualification criterion set out in this Procedure. For further information, see section 3 of this Procedure.
- 1.3.12 Applicants will be prioritised for an allocation by Band, then the date they registered on Property Pool Plus, then whether they are making a community contribution. For further information, see section 4 of this Procedure.
- 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 Procedure.

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 on the 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 Procedure.

- 1.4.2 The Local Authority has published a report on the consultation of this Procedure, on the outcomes of the consultation and changes that have been made to the Property Pool Plus scheme.
- 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 for in conjunction with adopting this Procedure.
- 1.4.4 This Procedure 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 Procedure that will affect the relative priority of a large number of people have been communicated in writing (using in email in the first instance and letter when necessary, or placing a notification on the Property Pool Plus website) to potential applicants that might be affected.

DRAFT

2.0 Information, Applications and Decision-Making

2.1.0 Information

- 2.1.1 The Local Authority will provide a summary of this Procedures 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 Procedure will be kept available for inspection by any person at the principal offices of the Local Authority (and any organisation appointed to administer the Property Pool Plus on its behalf). 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 Procedure 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 about the social housing stock in its area.
- 2.13 The Local Authority will provide the following information for any given dwelling, wherever it is made available by 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 provide information 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, 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 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 provide assistance free of charge, as required, to 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 to 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 (as applicable), 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 and any the reasons being ineligible
3. Whether or not they qualify to join Property Pool Plus and the reasons for being disqualified.
4. The type of property they are likely to be allocated and the number of bedrooms they might be entitled to have.
5. The method that will be used in assessing their needs.
6. The number of other applicants with equal or greater priority.
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 in the previous 12 months.
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 a 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 Procedure 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 Procedure 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. 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 All applications must be made using the prescribed online form published by the Local Authority. Copies can be accessed from the Property Pool Plus website or if necessary can be completed (in person, by phone, or in writing) at the main office of the Local Authority. 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, 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. they are in prison, care of a local authority, hospital, armed forces, etc), are also considered a usual household member. Separate guidance exists to aid the completion of an application, for further information please refer to *Guidance for Making an Application to join Property Pool Plus*.

2.2.2 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 3.2.5), to help determine qualification to join the Property Pool Plus.
5. All financial records 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 the Property Pool Plus.

2.2.3 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 applicant being removed from Property Pool Plus. 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.

- 2.2.4 Every applicant will be provided with an oral and/or written warning 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 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.
- 2.2.5 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 Procedure aligns with the Local Authority's *Strategic Equalities Plan*. To ensure compliance with public sector equality duties, the following arrangements will be considered by the Local Authority and/or Registered Providers for each individual applicant and property:
1. 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).
 2. A mechanism (e.g. a specific question on the online application) to identify the requirements of disabled applicants.
 3. A mechanism (e.g. at the stage of nomination from the Local Authority to a Registered Provider) to allow extra time for disabled applicants if they need it to accept an offer.
 4. A mechanism (e.g. assistance provided via the Property Pool Plus website, phone, or in person) for providing support in making applications.
- 2.2.6 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 Procedure. For further information on eligibility and qualification, please see section 3 of this Procedure. Detailed scrutiny will

take place when an applicant is due to be 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.
4. Has a household size that matches any size criteria for the property.

2.2.7 The Local Authority will process applications within a reasonable period of time after all documentation has been received. Upon receipt of an application, the Local Authority will inform the applicant that if they considered the progress of their application to be unduly slow they are entitled to make a complaint using the Local Authority's complaints procedure. If the outcome of this proves unsatisfactory, an applicant 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>

2.2.8 The Local Authority will accept applications from current tenants 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.

2.2.9 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 registration, 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 or being unable to afford any possible rental or service charges. Transfer Applicants will be required to satisfy the qualification criterion set out in this Procedure.

2.2.10 The Local Authority will handle applications as per the provisions contained in this Procedure. 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 Procedure. The Local Authority has separate arrangements in force to administer public law homelessness duties,

2.2.11 Specific processes have been published for administering the following matters and are available from the Local Authority and the Property Pool Plus website:

1. *Assessing new applications or amending an existing application for an allocation.*
2. *Processing applications for an allocation.*
3. *Dealing with applications for an allocation from overcrowded households.*

4. *Exercising discretion when making allocations decisions.*

5. *Reviewing allocations decisions.*

2.2.12 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 in this Procedure. Reviews will be carried-out in strict accordance with the rules established in this Procedure. The power to award discretion to an applicant in respect of qualification to join Property Pool Plus and prioritise them for a 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 other relevant persons (e.g. employees of adult social care services, children services, health services, etc).

2.2.13 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.

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), 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 from a Registered Provider.

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 will be made available for a reasonable period of time for collection by the applicants, or by someone on their behalf, at the main offices of the Local Authority 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 Procedure. 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, within 21 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 Procedure.
- 2.4.2 The review will be a re-consideration of all the relevant facts and the legal requirements at the date the review is carried out. Upon receipt of a review request from an applicant, the Local Authority will complete the review within eight weeks days. This timeframe can be extended by mutual agreement by the Local Authority and the applicant. The review will be carried out by designated senior officer of the Local Authority, whom was not previously involved in making the original decision. An applicant will not usually be entitled to an oral hearing. However, when the Local Authority deem an oral hearing would help to determine the facts of the case, an applicant will be entitled to have a suitable qualified advocate present. A separate document details the processes to be followed when a review decision is made. Please refer to *Reviewing Housing Allocations Decisions*.
- 2.4.3 Notification of all review decisions, including reasons for decisions made, will be made in writing by email or letter (where the applicant has not provided an email address).
- 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 2.2.7).

3.0 Eligibility and Qualification

3.1.0 Eligibility

The following rules for eligibility to join Property Pool Plus will remain in force until 11pm on 31st December 2020, at which point the transition (implementation) period for the United Kingdom of Great Britain and Northern Ireland to cease being a member of the European Union (EU), which occurred on 31st January 2020, will expire. After-which the following rules for eligibility will be amended and this part of the Procedure will be re-published.

3.1.1 The following classes of persons 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). From 24 August 2020 this will extend to a person who have limited leave to enter or remain in the UK as a family member of a person of relevant person of Northern Ireland, and that family member has been resident in the UK and a family member for at least five years, or the person of Northern Ireland is a worker, self-employed, self-sufficient, student, or have the right of permanent residence in the UK
4. Isle of Man citizens.
5. Channel Islands citizens.
6. EEA nationals with extended rights of residence:
 - a. Jobseekers.
 - b. Workers.
 - c. Self-employed persons.
 - d. Self-sufficient persons.
 - e. Students.
 - f. Family members of the persons referred to above.
7. EEA nationals with permanent rights of residence:
 - a. EEA nationals in UK for a continuous period of 5 years.
 - b. Family members of the persons referred to above.
 - c. Workers or self-employed persons who have ceased activity.
 - d. Family members of the persons referred to above.
 - e. Persons who were a family member of the persons referred to above who has died and resided with them previously.
8. Persons exempt from immigration control (e.g. diplomats and their family members based in the UK and some military personnel).
9. Persons granted refugee status by the UK Government.
10. Persons granted exceptional 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).
11. Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in 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).

12. 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).
13. 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.
14. From 24 August 2020, persons who are habitually resident in the Common Travel Area (see 3.1.2) and who have been granted leave to remain as a stateless person under Immigration Act 1971

3.1.2 The following classes of person will not be eligible to join the Property Pool Plus Housing Register:

1. Persons not habitually resident in the Common Travel Area, which consists of:
 - a. United Kingdom of Great Britain & Northern Ireland.
 - b. Republic of Ireland.
 - c. Isle of Man.
 - d. Channel Islands (Guernsey & Jersey).
2. EEA nationals (job seekers or their family members) who have only an:
 - a. Initial right of residence for 3 months.
 - b. Derivative right of residence because the person is the primary carer of a British citizen.
 - c. 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.

3.1.3 The granting of a tenancy agreement will be determined by each Registered Provider, in accordance with their respective allocations rules and 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. If one person is eligible, a tenancy may be granted to the eligible person.

3.1.4 Eligibility provisions do not apply to applicants who are already secure, introductory, or assured tenants of a Registered Provider seeking to transfer. 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

3.1.5 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. 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 the place of residence.
3. Whether a person has accumulated a continuous period of residence prior to making their application.
4. Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded.
5. 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.

3.1.6 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.

3.1.7 Property Pool Plus administrators 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, Property Pool Plus administrators 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 administrators will be given training about housing allocation law and practice and the duties and responsibilities under the Equality Act 2010. Administrators shall ensure that language and interpretation support is available for applicants who have difficulty reading or speaking English.

3.1.8 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 – 3.1.7 of this Procedure.

3.2.0 Qualification

3.2.1 The following rules apply to new applicants and Transfer Applicants. Participants of the Liverpool City Region Combined Authority Housing First Pilot are exempt from this qualification criterion, with the exception of section 3.2.3

3.2.2 The following paragraphs explain those applicants who are disqualified from joining Property Pool Plus.

3.2.3 Persons 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 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)), that has an adult who will act as a trustee and hold a legal tenancy until the legal incapacity to hold a tenancy ends, will be able to qualify to join Property Pool Plus.
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 who is leaving the care of the Local Authority, or an adult (a person aged 18 years and over) who is leaving 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.

3. Persons lacking mental capacity.

3.2.4 Persons (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them, or who has done so in the past,) who are guilty of unacceptable behaviour that makes them unsuitable to be a tenant. For the purpose this Procedure, a hypothetical approach will be taken to decide if an applicant is guilty of unacceptable behaviour. Only behaviour that would be serious enough that a county court judge would probably 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 Procedure will encompass a past action or activity on the part of a person (see definition above), but will also include an omission, failure to act, passivity or inactivity. 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. Therefore, no minimum of maximum timescales will be applicable, rather the former and current behaviour of the applicant will be considered. 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. Causing or likely to cause nuisance or annoyance to other persons in the locality of their property,
2. 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
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 have been prohibited for 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 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.

8. 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

3.2.5 Persons (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) who have 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 anyone who usually lives with them, or might reasonably be expected to live with them) 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 1/12th 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, for mortgage shortfalls the limitation period will be after 12 years. (Debts which are subject to court action before the unenforceable period begin, will not become statute barred).

3.2.6 Persons (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) who have been evicted for any breach of tenancy conditions, regardless of tenure. The tenancy conditions which must have been breached are defined as:

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 indictable 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

3.2.7 Persons who are not resident in the Local Authority and do not have a minimum of two years continuous connection to the area, due to any of the following factors (disregards apply to applicants who have survived domestic abuse and Armed Forces personnel, see sections 3.2.12 and 3.2.13):

1. Residence - decisions made about local connection will be based on a person (or any person who lives with them, or might reasonably be expected to) being normally resident within the Local Authority of 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 doesn't 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 residency requirements will apply to

1. Persons who are homeless (within the legal meaning of the term), or owed a homelessness duty by the Local Authority will be exempt from the requirement to have two years residence and instead be required to have been residence in the Local Authority for a minimum of six months out of 12 or one year out of five.
 2. Transfer Applicants under-occupying who wish to downsize to a smaller home
 3. Hard-to-let stock
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 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. Transfer Applicants who are in Band A or Band B and need to move because they work in the Local Authority area or need to move to take-up an offer of work will be exempt from this qualification criteria. When deciding, 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 child care, 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, the 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 and any other relative where there is sufficiently close links in the form of frequent contact, such as a grandparent or a step-parents, aunts or uncles,), 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.

3.2.8 Persons (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) who are homeowners, encompassing anyone who has a mortgage for the whole or part of their home. This includes land and anything built on land, and can be property currently owned or that has previously been owned in the UK or abroad (disregards apply to applicants who have survived domestic abuse, see sections 3.2.12). 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.
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).

3.2.9 Persons (be it the applicant or anyone who usually lives with them or might reasonably be expected to live with them) 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 3.2.13).

- 3.2.10 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.
- 3.2.11 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.
- 3.2.12 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 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 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 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 will be 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 shall be excluded from making an application.

DRAFT

4.0 Allocations

4.1.0 Adopting this Procedure

- 4.1.1 This Procedure?) 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 Procedure. Prior to adopting this Procedure, views were elicited from former, current and future potential applicants.
- 4.1.2 The Local Authority will review this Procedure 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 Procedure will be subject to further consultation or notification.
- 4.1.3 All applicants who are members of Property Pool Plus under previous procedures administered by the Local Authority, will have their applications transferred from being handled under the previous scheme procedures to this procedure, at the commencement date of [insert date], unless the Local Authority is otherwise instructed by the Applicant.
- 4.1.4 An annual report will be published 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
 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 criertia
 7. How was social rented housing allocated
 - a. choice
 - b. direct let

- c. final offer
- d. review

4.1.5 All administrators involved with the operation of this Procedure will receive training on how to administer the Procedure prior to its introduction, or within six months of being appointed into post. This training will be revisited at least annually. Specialist training on identifying and understanding the specific needs and circumstances of the Armed Forces community will be provided to all administrators within six months of being appointed into post.

4.2.0 Determining priority for an allocation for housing

4.2.1 Applicants will be prioritised for an allocation of social rented housing according to:

1. Bands, in the order of A to D
2. Where two or more applicants might have the same priority, then by the date they were accepted in to the Band they are placed in at the time if an offer being made.
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

4.2.2. Allocations for social housing accommodation will be prioritised strictly as set-out below:

1. Applicants whom 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 set out in section 4.2.3 of this procedure. *(Priority order to be determined)*.
2. Applicants whom statute stipulates must be afforded a reasonable preference for an allocation of social housing accommodation, as set-out in section 4.2.4. of this Procedure. *.(Priority order to be determined)*.
3. All other applicants for whom no additional or reasonable preference has been afforded, as set-out in section 4.2.6 of the Procedure
4. Applicants whom have exhausted their right to refuse an allocation of social rented housing, as set-out in section 4.2.6 of the Procedure.

4.2.3 **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 defined for the purpose of this Procedure as persons in the following circumstances:

1. Victims of domestic abuse (encompassing psychological, physical, sexual, financial and emotional abuse, controlling behaviour, coercive behaviour, so-called honour-based abuse), including those have been provided temporary protection in a refuge or other form of temporary accommodation.
2. Victims of racial harassment amounting to violence or threats of violence.
3. 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.
4. 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.
5. Escaping serious anti-social behaviour.

6. 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. 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.
7. 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 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. 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. 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.
9. A reasonable prospect of an accommodation offer within a relatively short period who suddenly lose their 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.
10. Severely overcrowded when compared to the bedroom standard, enough to present a category 1 hazard under the Housing Act 2004, Part 1 Housing Health and Safety Rating System. For the purposes of overcrowding, the following persons are entitled to a bedroom each:
 - 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 adult aged 16 years and over
11. Persons leaving care of the Local Authority's children services.
12. 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.
13. Those who require rehousing due to a compulsory purchase order.
14. Persons participating in the Housing First Pilot led by the Liverpool City Region Combined Authority
15. Homeless specifically owed the initial homelessness (relief) section 189(B) duty.
16. 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.
17. 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
- e. 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.

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.
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 unhealthy premises), 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 applicants' housing conditions. The following list is intended to be illustrative and in no way prescribed or definitive:
 - a. Lacking a bathroom or kitchen.
 - b. Lacking an inside WC.
 - c. Lacking cold or hot water supplies, electricity, gas, or adequate heating.
 - d. Overcrowded when compared to the bedroom standard. For the purposes of overcrowding, the following persons are entitled to a bedroom each:
 - 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 adult aged 16 years and over
 - e. Property in disrepair as verified by an Environmental Health Officer
 - f. Under-occupying social rented housing.
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. 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. 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, an family members 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. The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.
 - g. A restricted ability to fend for self.
 - h. Experiencing or at risk of abuse, harm or self-neglect.
 - i. Young people at risk.
 - j. People with behavioural difficulties.
 - k. Need adapted housing and/or extra facilities, bedroom or bathroom.
 - l. Need improved heating (on medical or social care grounds).
 - m. Need sheltered housing (on medical or social care grounds).
 - n. Need ground floor accommodation (on medical social care grounds).
 - o. Need to be near friends/relatives or medical/social care facilities on medical or social care grounds.
 - p. Need to move following hospitalisation or long-term care on medical or social care grounds.
 - q. Moving on from drug or alcohol recovery programme.
 - r. Moving on from short-term supported housing and hostels, including specialist accommodation for those with mental health issues commissioned by the Local Authority.
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. Give or receive care
 - b. Access specialised medical treatment.
 - c. 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)
 - d. 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.

4.2.6 **Band D** will consist of applicants from Band A or B, 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.

4.2.7 The Local Authority will suspend an applicant from bidding in the following circumstances

1. If they are guilty of unacceptable behaviour that would make them unsuitable to be a tenant, as defined in section 3.2.4. Exemptions will be allowed in exceptional circumstances by approval of a senior officer.
2. More than one month's rent is owed, as defined in section 3.2.5. Exemptions will be allowed in exceptional circumstances by approval of a senior officer.

4.2.8 For the purposes of this Procedure, 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 the are:

1. Engaged in paid or unpaid employment for a minimum of 16 hours per week for a minimum of 6 months.
2. Engaged in further or higher education, either part-time or full-time, for a minimum of one term.
3. Serving in the Regular or Reserve Armed Forces.

4.2.9 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.

4.2.10 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 as a result of a change in circumstances an applicant becomes ineligible or disqualified, then they will be removed from Property Pool Plus.

4.2.11 Applicants whose entitlement to be placed in Band A or Band B is solely derived from a persons who is subject to immigration control, because they are not entitled to freely enter or remain in the UK, or are not entitled to state aid, will instead in be placed in Band C

4.3.0 Local lettings schemes

4.3.1 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 (see 4.2.1).
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.
10. Letting of new build properties for the first time,

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.
7. A clear exit strategy.

4.3.3 Local lettings schemes will be adopted to set aside

1. A portion of properties, to be determined annually by the Local Authority, for former members of the Armed Forces
2. A portion of portion of properties, to be determined annually by the Local Authority, for to households in types of employment where skills are in short supply
3. A portion of properties, to be determined annually 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.
4. A portion of properties, to be determined annually 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

4.3.4 A local lettings scheme will be adopted for accommodation with linked support 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 will be adopted for displaced agricultural workers, where they have been displaced to due 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 will 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 their 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. Regard has been made to this public-sector equality duty when formulating this Procedure and it will inform decision-making on individual cases. 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 Procedure 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 Procedure, 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 Procedure 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 Procedure has been formulated to ensure compliance with 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 Procedure, the Local Authority has considered the need to safeguard and promote the welfare of children, in accordance with the Children Act 2002, section 11.
- 4.5.2 This Procedure and administration if will accord the objectives and actions set out in the Local Authority's joint working protocol agreed by 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 there is involvement from the Local Authority's children services. A discussion about the prioritisation of applicants will take place prior to the introduction of the scheme. 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 qualification or the allocation of social rented housing will be exercised only by senior officers, limited only to the following circumstances:
1. Providing protection to people who need to move away from another area, to escape violence, harm, or intimidation.
 2. Enabling homeless families whom the Local Authority placed outside its area who need to return.
 3. Enabling those who need support to rehabilitate and integrate back into the community

4.6.2 A separate document details the processes for exercising discretion, *Awarding discretion when making allocations decisions*.

4.7.0 Challenges about this Policy

4.7.1 Applicants will be informed of their right to pursue a judicial review on any point of law about this Policy. Applicants will be entitled to make a complaint using the Local Authority's own complaint procedures. Upon the conclusion of considering any complaint, applicants will be informed of their right to seek the help of the Local Government & Social Care Ombudsman Service (see 2.2.7).

DRAFT

5.0 Being Allocated a Property

5.1.0 Choice

- 5.1.1 The Local Authority will inform applicants of their right to express 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 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 will 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 choose 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. Once an applicant has exhausted the applicable refusal threshold, subsequently an auto-bid will be placed on behalf of the applicant. If an applicant should refuse a final offer made as a result of an auto-bid, they will be given reduced preference for a period of 12 months. 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 reasonable refusal,
 2. Band B applicants are entitled to two reasonable refusals, except those who are homeless owed a homelessness duty who will be entitled to one reasonable refusal
 3. Band C applicants are entitled to three reasonable refusals.
 4. Band D applicants are entitled to an unlimited amount of refusals.
- 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:
1. Whether the applicant and their household would be overcrowded or under-occupying
 2. Affordability of the property when compared to the applicants' income and expenditure
 3. Location of the property in regard to essential journeys the applicants need 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
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 and 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. Following review, an applicant will be informed of their right to seek a judicial review on any point of law.

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 Direct Lets

5.2.1 A senior officer of the Local Authority will be responsible for verifying any direct lets made.

5.2.2 In cases of direct lets, a junior officer of the Local Authority will be responsible for deciding which type of property an applicant should be offered, and whether there is any particular geographical area in which an allocation would not be appropriate, based on the information the applicant has provided when apply to join Property Pool Plus, along with any subsequently relevant evidence collected to determine whether the applicant is homeless, owed a homeless duty, is occupying unsatisfactory accommodation, medical or welfare grounds (including disability) or hardship factors. A junior officer will decide which applicant will be first offered accommodation, based on the prioritisation criteria set-out in section 4.2.1. of this Procedure

5.2.3 Direct lets will operate as a variant of the choice based method as defined in section 5.1.0 of this Procedure, only when an applicant housing needs are of a requisite description in an appropriate area.

5.2.4 In circumstances where an applicant needs to move on medical or welfare grounds (including those relating to a disability, 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. The Local Authority will consider whether an applicant's needs could be met by 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.

5.2.5 In circumstances where an applicant needs to move due to a serious offence as defined by the Serious Crime Act 2007, Part 1, Schedule 1, there will be joint working with the police, probation service, adult care services, health professionals and other bodies to manage any risk to the community.

5.3.0 Other General Points

5.3.1 Following a nomination of social rented housing by the Local Authority, applicants will be given a reasonable period to properly consider whether to accept it. There will be no set specific timeframe, rather this will be based on the personal circumstances of each applicant, with applicants who are vulnerable applicants, unfamiliar with the property being, applicants in hospital, need to arrange a support worker to be present at the viewing, are working, or have childcare commitments being given longer. The actual letting will be handled by a Registered Provider, who will complete the letting following the offer and acceptance of a tenancy agreement by the applicant.

5.2.3 Upon refusal of a final allocation, applicants will be reduced in preference for a period of 12 months, resulting in a demotion from either Band A, B or C down to Band D.

5.3.3 Applicants will not be offered a property that would result in them being statutorily overcrowded or under-occupying it. 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. The needs of applicants who been approve 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. Bedrooms will be allocated to each (this includes students and members of the armed for reserve forces if they're away and intend to return home):

1. Couples who are married, have a civil partnership or who are cohabiting.
2. Adults aged 16 years or more.
3. Single or a pair of adolescents aged 11-16 years of the same gender.
4. Single or a pair of children aged 1-10 years regardless of gender.
5. An adult or child who cannot share due to a disability or medical condition
6. An overnight carer for any usual household member, if the carer isn't a usual household member
7. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement

8. A new approved foster carer for up to 52 weeks of approval if no child has been placed with the applicant's household during that time.

- 5.3.4 Applicants will not be made an offer of a property in a locality 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.
- 5.3.5 The letting of a property, including the type of tenancy whether a joint tenancy will be granted is beyond the scope of this Procedure. Registered Providers have their own allocation rules and policies that dictate how lettings will be agreed.
- 5.3.6 This Procedure has been drawn up with regard to the Tenancy Strategy referred to above in paragraph 1.3.7. Tenancies offered by registered providers will be made in having regard to this document.
- 5.3.7 Applicants will be informed by the relevant Registered Provider, at the point of an allocation, if the property will be furnished or unfurnished.
- 5.3.8 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.
- 5.3.9 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, 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).
- 5.3.10 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 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.

DRAFT