



# Property Pool Plus

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

DRAFT

## Version Control

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# 1.0 Overview

## 1.1.0 Introduction

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

## 1.2.0 Purpose of this Scheme

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

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

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

- 1.3.1 This Scheme has been formulated with regard to the law and regulatory requirements, including:
1. Housing Act 1985
  2. Housing Act 1996
  3. Homelessness Act 2002
  4. Homelessness Reduction Act 2020
  5. Housing and Regeneration Act 2008
  6. Localism Act 2011
  7. Armed Forces Act 2006
  8. Asylum and Immigration Act 1996
  9. Immigration and Asylum Act 1999
  10. Children Act 2004
  11. Equality Act 2010
  12. Data Protection Act 2018
  13. European Union (Withdrawal Agreement) Act 2020
  14. Statutory guidance:
    - a. Allocation of accommodation: guidance for local authorities, December 2020, updated December 2024.
    - b. Providing social housing for local people, December 2013
    - c. Right to Move and social housing allocations, March 2015
    - d. Improving access to social housing for victims of domestic abuse, November 2018
    - e. Improving access to social housing for members of the Armed Forces, June 2020
  15. The regulatory standards for registered providers of social housing in England:
    - a. Tenancy Standard, published April 2012
- 1.3.2 Case law from the English and Welsh Courts has also been taken into consideration.

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

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

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

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

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

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

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

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

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

#### **1.4.0 Consultation**

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

## 2.0 Information, Applications and Decision-Making

### 2.1.0 Information

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



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

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

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

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

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

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

## **2.2.0 Applications**

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

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

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

1. Current Passport and where applicable Immigration documentation to help determine eligibility to rent social housing in England.
2. A utility bill, Council Tax bill or other acceptable proof of residence from the past three months, to help determine eligibility to rent social housing in England.
3. Birth certificate, to help determine qualification to join the Property Pool Plus.
4. Details of any relevant unspent convictions (see section 3.2.4), to help determine qualification to join Property Pool Plus.
5. Where a tenancy has been held previously, a landlord reference for the main and joint applicant / partner, from the current and / or former landlord. If a landlord reference cannot be provided, alternative evidence of tenancy conduct may be accepted.
6. All financial records from the past three months relating to income and savings may be requested, to help determine qualification to join Property Pool Plus,
7. All legal records relating to property ownership may be requested to help determine qualification to join Property Pool Plus.
8. Any other information that helps to determine eligibility to rent social housing in England and/or qualification to join Property Pool Plus e.g. proof of National Insurance Number, proof of local connection.

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

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

2.2.6 The local authority will provide every applicant with information and advice (in writing or orally, electronically or in person) about their rights to make an application for an allocation of social rented housing. Furthermore, assistance (such as explain the steps for making and determining an application, collecting evidence to determine eligibility and qualification for an allocation, the degree of choice they are entitled to and how applicants are prioritised for an allocation) will be provided free of charge to any person who is likely to have difficulty in making an application (e.g. due to mental or physical impairment, or because of any other special characteristic) to join Property Pool Plus. This assistance will be extended to those who might require help to express a preference for an available property to let. The local authority is subject to the Equality Act 2010 which has been duly considered when formulating this Procedure (and any associated rules, procedures, policies and processes).

A separate *Equality Impact Assessment* has been completed and copies can be requested from the local authority or downloaded from the Property Pool Plus website. The *Equality Impact Assessment* has identified any potential impact on people with a protected characteristic, showing these as positive, negative or negligible, plus includes actions to mitigate any such negative impacts. This Scheme aligns with the Local Authority's *Strategic Equalities Plan*. To ensure compliance with public sector equality duties, the following arrangements will be made by the local authority and/or registered providers for each individual applicant and property:

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

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

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

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

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

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

1. Make applications.
2. Have their applications considered.
3. Be notified as to their rights to information and review.

#### 4. Confidentiality of the fact of their application.

2.2.10 The local authority will initially treat transfer applicants in the same way as all other applicants, except that there will be no inquiries made about eligibility. This is because the law dictates that all current tenants of social housing are eligible for a further allocation of social housing accommodation regardless of their immigration or habitual residence status. Transfer Applicants will be prioritised in the same way as new applicants (e.g. by housing need and then date of banding, registration date, and then community contribution). Transfer Applicants will not be offered an allocation that would result in them under-occupying the dwelling (against the definition used by the Department of Work Pensions to determine claims for help with housing costs), being overcrowded by the Bedroom Standard or being unable to afford any possible rental or service charges at the date an allocation or nomination is made. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment completed at the same time an offer is made, but prior to a letting being agreed. Transfer Applicants will be required to satisfy the qualification criterion set out in this Scheme.

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

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

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

1. Appendix 1 – Initial Enquiries Procedure
2. Appendix 2 – Application Procedure
3. Appendix 3 – Discretion Procedure
4. Appendix 4 – Request a Review Procedure
5. Appendix 5 – Overcrowding and Underoccupancy Procedure

2.2.13 Decisions about whether an applicant is eligible for an allocation of social rented housing and qualifies to join Property Pool Plus will be made in strict accordance with the rules established by this Scheme. Reviews will be carried out in strict accordance with the rules established by this Scheme. The discretionary power (available in Appendix 3) to allow an applicant to be treated as qualified to join Property Pool Plus outside the criteria set out below and/or prioritise them for an allocation or nomination of social rented housing is

limited to a designated senior officer in the local authority with responsibility for overseeing the administration of the housing allocation functions for the local authority. The aforementioned senior employee(s) will be responsible for minimising the risk of employee fraud and errors, by ensuring suitable arrangements are in place for 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 identity, etc), or information gained from public bodies (e.g. prisons, young offender institutes, secure training centres, secure colleges, youth offending teams, probation services, DWP/Jobcentre Plus, social services authorities (adult social services and child social care), NHS Trusts and NHS Foundation Trusts, Ministry of Defence, general medical practitioners, schools, police, etc) registered providers, voluntary organisations and any other persons or organisation that might be able to provide or verify evidence relevant to a person's application).

- 2.2.14 Unsuccessful applicants, who have been declared not eligible for an allocation of social rented housing or disqualified from joining Property Pool Plus, will be informed that they can make a further application whenever they believe there has been a material change to their circumstances. They will also be informed of their right to a review (see Appendix 4).
- 2.2.15 Upon initially receiving an application, the local authority will, under the application procedure set out in Appendix 2:
1. Confirm accuracy of all information provided by an applicant. Where information is inaccurate or missing, the local authority will contact the applicant notifying them of this and requesting that they provide further relevant information. Where information requires verifying by a third party (e.g. housing, health, social care or other professional), the local authority will contact the relevant party and seek their opinion about the applicant's circumstances and the date of their application and how this affects their housing needs.
  2. Confirm whether an applicant is eligible for an allocation of social rented housing, in accordance with the criteria set out in section 3.1.0.
  3. Confirm whether an applicant is qualifying or is disqualified for an allocation of social rented housing, in accordance with the criteria set out in section 3.2.0:
    - i. If the applicant has applied on the grounds of being homeless or owed a homelessness duty, ascertain whether or not the applicant has already made an application of homelessness assistance.
      1. If yes, subject to the applicant's agreement, access the local authority's homelessness database for information relevant to the applicant's application for an allocation of social rented housing.
      2. If no, subject to the applicant's acquiescence, arrange for the applicant to make an application for homelessness assistance and share any information from the applicant's application for an allocation of social rented housing that might be relevant to their application for homelessness assistance.
    - ii. If an applicant has applied on the grounds that their existing accommodation is overcrowded, follow the steps set out in Appendix 5, section 1.1.0.

4. Confirm an applicant's priority for an allocation of social rented housing, in accordance with the criteria set out in section 4.2.0.
5. Confirm the best interests of any children that might need to be taken account of, in accordance with the arrangements set out in section 4.5.0.
6. Confirm whether an applicant's circumstances warrant any discretion needing to be exercised, in accordance with the arrangements set out in section 4.6.0.
7. Confirm the degree of choice an applicant is entitled to express, in accordance with the arrangements set out in section 5.1.0.
8. Confirm what would constitute a reasonable offer of accommodation, in accordance with the criteria set out in section 5.1.6.
  - i. Bedroom entitlement will be determined in accordance with the criteria set out in section 5.2.3.

2.2.16 Subsequent to completing the set-out section 2.2.15, the local authority will inform an applicant:

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

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

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

### **2.3.0 Decision-Making**

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

2.3.2 Where the notification confirms a decision that an applicant is ineligible for an allocation of social rented housing or disqualified from joining Property Pool Plus, the applicant will be given reasons for the decision based on the relevant facts of the case. Additional arrangements will be made for applicants who might have difficulty understanding the

implications of the decision to be informed orally (e.g. via a telephone call or in person). Copies of all adverse decisions can be made available for a reasonable period of time for collection by the applicants, or by someone on their behalf (with consent), when an applicant has not provided either an email address or postal address.

- 2.3.3 Decisions about applications made by employees or board / committee members of the local authority or partner registered providers, will be made as per the rules set out in this Scheme. However, all such decisions will be verified via a series of random checks by a designated senior officer with responsibility for administering housing allocation functions for the local authority. Applicants will be asked at the point of making an application, whether they (or anyone who lives with them or might reasonably be expected to live with them) are an employee or board / committee member of the local authority or partner registered provider. Where a person affirms on their application that they (or a usual household member), is an employee or a board / committee member of the local authority or a registered provider, 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 or board / committee member. The same principle will be applied to relatives of persons who are employed by the local authority.

#### **2.4.0 Reviews**

- 2.4.1 Applicants will be informed of their right to request a review, (as set out in Appendix 4) within 21 calendar days of receiving a decision about their housing application, of any of the decisions shown below:
1. That an applicant is not eligible for an allocation of social rented housing, due to being subject to immigration control or being an ineligible person from abroad.
  2. That an applicant is not within a class of persons qualifying to join the Property Pool Plus.
  3. The degree of preference they have been afforded under Property Pool Plus, including any changes made to the degree of preference they are entitled to.
  4. The facts of their case which are likely to be, or have been, taken account of when deciding whether to make a nomination to a registered provider, including their medical condition or other welfare needs.
  5. The type of social rented housing for which an applicant will be considered under Property Pool Plus.
  6. The extent of an applicant's household.
  7. Whether a nomination constitutes a final offer with the terms of this Scheme.
- 2.4.2 Following the review, where a higher priority band is awarded at stage 1 or 2 of the appeals process as a result of information previously considered as part of an earlier banding decision, or as a result of further information relating to the same set of circumstances previously considered, the band effective date in the higher band will be the same as that which had been awarded in the lower priority band. If a priority has been refused previously, but subsequently awarded at Stage 1 or 2 of the appeals process then the band effective date will be the date the original decision was made.



- 2.4.3 If at stage 1 or 2 of the appeals process new information is considered as a result of a change in the applicant's circumstances resulting in a change in the priority band, the band effective date will be the date the appeal is considered.
- 2.4.4 Applicants will be informed of their right to pursue a judicial review, where they believe there is evidence that a decision is irrational, illegal or fails to follow public law procedural requirements. This includes a refusal to take an application to join Property Pool Plus. If applicants are dissatisfied with how their application and any subsequent complaint has been handled by the local authority, they will be informed of their right to make a claim of maladministration to the Local Government & Social Care Ombudsman (see 2.2.8).

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## 3.0 Eligibility and Qualification

### 3.1.0 Eligibility

- 3.1.1 The Housing Act 1996 s.160ZA states that a local authority shall not allocate housing to a person from abroad who is ineligible. As a rule, persons subject to immigration control are ineligible, there are however exceptions to this. Full details of all eligibility rules including which persons from abroad are eligible or ineligible for an allocation of social housing can be found in the Government's 'Allocation of Accommodation: guidance for local housing authorities in England'.
- 3.1.2 Eligibility provisions do not apply to Applicants who are already secure or fixed-term tenants (let at social rent or affordable rent) of Registered Providers seeking to transfer.
- 3.1.3 Even when an Applicant is eligible for an allocation of social rented housing, only those who are habitually resident in the United Kingdom, Ireland, the Isle of Mann or the Channel Islands, will be eligible for an allocation (except persons which exempt from the requirement to be habitually resident, as defined in law or statutory guidance).
- 3.1.4 If it is apparent that an Applicant came to live in the UK during the previous two years, the following tests will be carried out to confirm if an Applicant is habitually resident:
- i. 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.
  - ii. The association between a person and their place of residence.
  - iii. Why a person has come to live in the UK.
  - iv. Whether a person is joining family or friends in the UK
  - v. Whether a person has accumulated a continuous period of residence prior to making their application.
  - vi. The length of residence in another country
  - vii. Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded.
  - viii. A person's future intentions, employment prospects and centre of interest
  - ix. 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.
- 3.1.5 Applicants who are subject to immigration control or are an ineligible person from abroad will not be eligible for an allocation of social rented housing.
- 3.1.6 Where there is any uncertainty about an Applicant's immigration status, the local authority shall contact the Home Office. Before doing so, Applicants will be advised that such inquiries will be made in order to comply with data protection legislation. Confirmation of the immigration status of an Applicant from abroad will be obtained, where necessary, from the Home Office by emailing [EvidenceandEnquiry@homeoffice.gsi.gov.uk](mailto:EvidenceandEnquiry@homeoffice.gsi.gov.uk)

3.1.7 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 this section of this Scheme.

### **3.2.0 Qualification**

3.2.1 The following rules which are equally applicable to new applicants and Transfer applicants, explains those applicants who are disqualified from joining this Scheme.

3.2.2 Participants of the Liverpool City Region Combined Authority Housing First Scheme are exempt from this qualification criterion, with the exception of section 3.2.4.

3.2.3. An applicant who has been allocated social rented housing via this Scheme within the 12 months preceding a new application, where their circumstances have not materially changed and whose accommodation remains suitable.

3.2.4 An applicant that is incapable of holding a tenancy agreement, which extends to:

1. Persons defined as a child in English and Welsh law (anyone aged 0 - 17 inclusive). An exemption will apply to an applicant who is a child aged 16 or 17, (who may or may not also feature another person(s) aged 16 or 17 as a usual household member(s)), where a tenancy can be granted to a third party (e.g. an adult relative or social worker, etc), 'a trustee', and held on trust for the child until they reach the age of 18 years. An exemption will also apply if there is a person aged 18 years or over who willing to enter into a joint tenancy agreement with a child.
2. Persons defined as a child in need as a result of a statutory assessment carried out in accordance with Children Act 1989, section 17. However, when making decisions about the qualification of a child aged 16/17 or an adult (a person aged 18 years and over) who is leaving the care of the local authority, full regard will be made to any protocol agreed between the local authority's children services and housing services for rehousing care leavers and / or those who are defined as a child in need. Former care leavers aged 18 years or older fall outside the scope of this section, determination as to whether they qualify will be based on any or all relevant factors in the entirety of section 3.2.0.
3. Persons lacking mental capacity as defined in the Mental Capacity Act 2005.

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

1. Having an unspent conviction of a serious offence, committed in the locality of their property, against a person with a right to reside or occupy the accommodation.
2. Having an unspent conviction of a serious offence, committed elsewhere against the local authority or a registered provider or agents acting on their behalf, which directly or indirectly was related or affected carrying out housing management functions.
3. 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.
4. Breaching a provision of an injunction under section 1, conviction under section 30, or an order made under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which occurred in the locality of a specified property or elsewhere which caused nuisance, annoyance, harassment, alarm or distress to a person in the locality or the local authority or a registered provider, or resulted in access to property that has been prohibited under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014, for a continuous period of more than 48 hours.
5. 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.
6. Having an unspent conviction for an offence under the Fraud Act 2006, Forgery and Counterfeiting Act 1981 or Social Housing Fraud Act 2013, involving withholding, falsifying or misrepresenting any information to access to be allocated social rented housing or sub-letting of social housing by current tenants.
7. Within the past 12-months, having committed any other behaviour that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A. This includes an applicant being responsible for:
  - a. Causing nuisance or annoyance to other; people living, visiting or carrying out lawful activities in the locality of their home, and/or employees of the local authority, or people employed by other organisations, to carry out housing management functions, for the local authority. This will include situations where either the main or joint applicant or any household member has displayed abusive or threatening behaviour toward members of staff involved in the administration of the Property Pool Plus scheme;
  - b. Causing an offence, or another adult residing with them, for which they were convicted for, which took place during and at the scene of a riot in the UK.
  - c. Causing violence or threats of violence towards another person or their family members, who were living at the same property as the applicant, which resulted in them leaving and being unlikely to return the property.
  - d. Allowing acts of waste or neglect of their property or common parts of a building in which their property is situated or failing take reasonable steps to stop any person residing with them to cause acts of waste or neglect to the property.
  - e. Allowing furniture, provided by a landlord for use as part of their tenancy, or for use in common parts, to deteriorate due to ill-treatment, and in a circumstance where a lodger has caused the ill-treatment, not taking reasonable steps to evict that lodger.
  - f. Being granted a tenancy as a result of deliberately and rashly making a false statement, made by themselves or another person at their prompting.

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

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

3.2.7 An applicant, or a member of their household who have been found to have breached any of the following tenancy conditions, within the past 12-months, regardless of tenure:

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

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

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

accommodated under the Asylum Seekers (interim Provisions) Regulations).

Exemptions to residence conditions will apply to:

- a. Homeless households and care leavers owed a duty by the local authority placed outside the local authority area, including care leavers placed outside the area.
- b. Homeless households who have been newly granted refugee status and are owed a Homelessness Duty by one of the scheme local authorities. This will include those applicants who do not have a 'priority need' under homelessness legislation and whose homelessness has not been resolved within the 56 day 'Homelessness Relief Duty' period.
- c. Households placed in one of the scheme local authority areas under the 'Homes for Ukraine Scheme'.

An applicant will only be awarded the highest band for the local authority Scheme area(s) that they have local connection to, for every other local authority scheme area they will be Band C.

2. Employment – a connection established by employment in one of the scheme local authority areas (including an apprenticeship) will be limited to the usual place of work. Any work that is short-term (e.g. a contract of employment is less than 12 months), marginal (e.g. less than 16 hours per week and earnings allow for claiming Universal Credit or entitlement to Working Tax Credits), ancillary (e.g. occasional (even regularly) work that is undertaken in the local authority area, but the main place of work is outside the local authority area) or voluntary (e.g. where no payment is received, or payment is made only for expenses) will not be taken account of. An exemption will apply for applicants who need to move to take-up an offer of work. When deciding whether to apply an exemption, the local authority will consider evidence (the following list is not exhaustive, and the local authority will consider any other appropriate factors and local circumstances):
  - a. The distance and/or time taken to travel between work and home.
  - b. The availability and affordability of transport, taking account the level of earnings.
  - c. The nature of the work and whether similar opportunities are available closer to home.
  - d. Other personal factors, such as medical conditions and childcare, which would be affected if a move could not take place.
  - e. The length of the work contract.
  - f. 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.
  - g. In circumstances where a job is being offered, and there is a need to move to take it up, and their intention to take up an offer of employment.
  - h. Verification of employment, or an offer of employment, and acceptance of it from the employer, such as:
    - i. a contract of employment,
    - ii. wages/salary slips or bank statements in cases of zero hours contracts,
    - iii. proof of receipt of tax and benefit information,
    - iv. a formal offer letter.
3. Family associations – a connection established by family relationships will be limited to near relatives (e.g. parents/other guardians, siblings, adult children where there is

sufficiently close links in the form of frequent contact) and their current place of residence being within one of the scheme local authority areas for a minimum continuous period of five years. Applicants who can prove they have a continuing caring responsibility for someone who is resident in one of the scheme local authority areas, 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 one of the scheme local authority areas will be exempt from local connection requirements.
5. Care leavers – persons aged up to age 25, who are owed a duty under Children Act 1989, section 23C, by the local authority will be deemed to have a local connection to the local authority area.

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

1. Property has been valued as having negative equity (or limited equity in respect of disabled adaptation to be made).
2. Where the property has not been let, but the owner cannot secure entry to the property, for example due to it not being safe to enter the property due to severe structural faults, or there are squatters living in the property.
3. Where it is probable that occupying the property will lead to abuse from someone living in the property.
4. Where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant whether in that property or elsewhere.
5. Where the local authority has issued a Prohibition Order under the Housing Act 2004 due to continued occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by an applicant to prevent that danger (e.g. where it is not possible to adapt a property due to the physical arrangements of a dwelling, or the cost of adaptations is prohibitive, or an applicant is in negative equity).
6. Where an applicant is ready to be discharged from hospital or residential care, but is unable to do so as their own property is unsuitable for their needs to the extent that they would be at risk in the property, and where other potential short term and long term solutions such as adaptations, have been considered but deemed unfeasible.
7. Where an applicant or a member of their household is severely disabled and requires rehousing to a substantially adapted property, and where adaptations to the owned property have been assessed by the local authority department responsible for adaptations but deemed unfeasible, and where the equity available in the owned property together with any savings are insufficient to source a suitable adapted / adaptable property in the area.

3.2.10 An applicant, joint applicant or partner with combined financial resources consistent with the UK Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates. Disregards apply to:

- Armed Forces personnel, see sections 3.2.14.
- Applicants whose savings are above this limit will qualify for an allocation of social rented housing where an applicant is ready to be discharged from hospital or

residential care, but is unable to do so as their current home is unsuitable for their needs to the extent that they would be at risk in the property, and where other potential short term and long term solutions such as adaptations, have been considered but deemed unfeasible.

- Applicants who need rehousing to a substantially adapted property due to a severe disability, where adaptations to the current home have been assessed by the local authority department responsible for adaptations but deemed unfeasible, and where the level of savings are insufficient to source a suitable adapted / adaptable property in the area.

- 3.2.11 An applicant whose qualification would solely derive from a household member who is subject to immigration control, due to them not being entitled to freely enter or remain in the UK, or not being entitled to state aid, will not qualify to join the Scheme.
- 3.2.12 The local authority will consider whether an applicant qualifies to join Property Pool Plus, at the time of the initial application; qualification will be reconsidered when an allocation is made the registered provider landlord making the allocation. A decision that an applicant is disqualified will be notified in writing with the grounds for that decision. Applicants will be notified of their right to request a review of such a decision and will be notified in writing of the grounds of any review decision made. Following the conclusion of a review, applicants will be notified of their right to apply for a judicial review on any point of law. Applicants will be notified of their right to make a complaint to the local authority, if they remain dissatisfied upon conclusion of any internal complaints investigation and their right to ask the Local Government & Social Care Ombudsman or the Housing Ombudsman to investigate claims of maladministration.
- 3.2.13 Persons who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm, will be exempt from local connection requirements, as will those who have sought a place of safety in a refuge or other form of temporary accommodation in the local authority area. Property ownership and outstanding tenancy related liability conditions will also be disapplied.
- 3.2.14 Any compensation for an injury or disability sustained on active service with the Armed Forces or Reserve Forces will be disregarded when calculating financial resources. Any mesne profit debts accrued by occupants of service families' accommodation will be disregarded, subject to them providing a copy of their notice to vacate or Certificate of cessation of Entitlement to Service Families Accommodation (the local authority may contact the Ministry of Defence Loss of Entitlement team by emailing [DIORDAccn-LOETeam@mod.gov.uk](mailto:DIORDAccn-LOETeam@mod.gov.uk) with any queries about the status of such applicants. The following applicants who are members of the Armed Forces community are exempt from local connection:
1. Persons who are currently serving in the Regular Armed Forces or were serving in the Regular Armed Forces at any time in the past, and their spouses.
  2. Bereaved spouse or civil partners of persons who are serving in the Regular Armed Forces, where the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner and the death was wholly or partially attributable to their service.



3. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partially attributable to their service.
4. Divorced or separated spouses or civil partners of Service personnel, who are required to move out of accommodation provided by the Ministry of Defence.
5. Adult children of service personnel who are no longer able to remain in the family home due to the impact of their family moving from base-to-base.

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

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

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

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

### **3.5.0 Re-application**

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

## **4.0 Allocations**

### **4.1.0 Adopting this Scheme.**

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

### **4.2.0 Determining priority for an allocation for housing.**

- 4.2.1 Applicants will be prioritised for an allocation of social rented housing, in the local authority area to which they have a local connection, according to the following criteria:
1. Meeting landlord advert preference criteria to make best use of stock.

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

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

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

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

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

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

- i. A married or cohabiting couple,
  - ii. Adult aged 21 years or more,
  - iii. Pair of adolescents aged 10-20 years of the same gender,
  - iv. Pair of children aged under 10 years regardless of gender,
  - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
  - vi. An unpaired adolescent aged 10-20 years,
  - vii. An unpaired child aged under 10 years.
  - viii. An unborn child will be included in the bedroom calculation from the point the MATB1 certificate is provided to confirm the pregnancy. The gender of the unborn child will not be taken into consideration until the birth of the child i.e. the child will be paired with another unpaired child regardless of gender until the birth.
  - ix. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the local authority.
  - x. An overnight carer for any usual household member, if the carer isn't a usual household member.
  - xi. Due to the shortage of larger properties, applicants who are eligible for four bedroom properties may also be considered for larger three bedroom properties, for example a three bedroom property with two separate living rooms where one can be considered to be used as a bedroom.
  - xii. A second ground floor living room can be regarded as a bedroom, and included in the assessment of an applicant's bedroom need as such, except where the property has a through kitchen/lounge or kitchen/diner and only one other separate living room or the dividing wall between two living rooms has been substantially removed. In considering the use of a room which could be used as a bedroom, regard will be given to whether the room has a fixed heating appliance with exposed flame which would make it unsuitable for use as a bedroom.
  - xiii. Households assessed as needing one bedroom who are resident in either a bedsit or HMO (House of Multiple Occupation) will not meet the criteria for a priority on overcrowding grounds.
6. Under-occupying social rented housing by two or more bedrooms, as per the criteria set out above in section 4.2.3.5
  7. Medical condition is expected to be terminal and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A suitably qualified health professional with direct knowledge of the applicant's condition will be contacted by the local authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The local authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.

8. Medical condition is life threatening due to detrimental effects caused by the present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation and rehousing is required to remove or alleviate the risk. A suitably qualified health / mental health professional with direct knowledge of the applicant's condition will be contacted by the local authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The local authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.
9. Planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy. See section 5.1.6 for definition of reasonable.
10. Persons leaving care of one of the scheme local authority children services for the first time. The date of entry to the band will be backdated to the applicant's sixteenth birthday to assist with sourcing suitable accommodation to provide a smooth transition to independence in line with the local authority corporate parenting responsibility. The date of registration will not be backdated. In situations where a former Care Leaver aged up to 25 needs to be rehoused again following their initial move to independent living, Band A may be awarded in the circumstances set out in the following points, however a backdate to the applicant's 16th birthday will not be applied in these circumstances:
  - a. there is a recognised housing need, and;
  - b. the applicant is actively engaging with the Local Authority Leaving Care Team, and;
  - c. the Leaving Care Team are supportive of a move to resolve the housing need.
11. Persons approved by the local authority as foster carers or to adopt, who need to move to a larger home in order to look after a child under the care of the local authority's children services, including those who require a larger property in order to secure a Special Guardianship order or Child Arrangement Order in respects to a looked after child or for a child that is deemed at high risk of becoming looked after otherwise. This also covers long term arrangements of kinship guardianship where the Local Authority or Family Court have not been involved.
12. Members of the Armed and Reserve Forces meeting the following criteria:
  - a. Former members of the Regular Armed Forces meeting any of the housing need criteria as set out within this policy under Bands A and B
  - b. Serving members of the Regular Armed forces 6 months prior to discharge, and up to 12 months after discharge who are in housing need.
  - 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 (encompassing a mental ill health condition) which is wholly or partially attributable to their service.
13. Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.

14. Victims of racial harassment amounting to violence or threats of violence where other temporary resolutions are not possible and where continued occupation of their current dwelling could place lives at risk.
15. Victims of hate crime amounting to violence or threats of violence due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation, where other temporary resolutions are not possible and where continued occupation of their current dwelling could place lives at risk.
16. Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes, where other temporary resolutions are not possible and where continued occupation of their current dwelling could place lives at risk.
17. Those who require rehousing due to a local authority approved regeneration or decant scheme.
18. Persons participating in the Housing First Scheme led by the Liverpool City Region Combined Authority.
19. Those moving on from local authority contracted / grant funded short-term supported housing / hostels which is provided under the local authority homelessness provision, where support is no longer required. Any qualifying young person meeting this criteria who is defined as a child in need as a result of a statutory assessment carried out in accordance with Children Act 1989, section 17 by the local authority, will have their band effective date backdated to the date they moved into the supported accommodation / hostel. All other applicants meeting this criteria will not be awarded a backdate to their band effective date and the usual scheme rules will be applied in this respect.

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

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

- c. Lacking cold or hot water supplies, electricity, gas, or adequate heating, as verified by an Environmental Health Officer or equivalent.
- d. Overcrowded due to lacking one bedroom (detailed criteria for the assessment of overcrowding can be found in Appendix 5). For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01<sup>st</sup> October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
  - i. A married or cohabiting couple,
  - ii. Adult aged 21 years or more,
  - iii. Pair of adolescents aged 10-20 years of the same gender,
  - iv. Pair of children aged under 10 years regardless of gender,
  - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
  - vi. An unpaired adolescent aged 10-20 years,
  - vii. An unpaired child aged under 10 years.
  - viii. An unborn child will be included in the bedroom calculation from the point the MATB1 certificate is provided to confirm the pregnancy. The gender of the unborn child will not be taken into consideration until the birth of the child i.e. the child will be paired with another unpaired child or unpaired adolescent regardless of gender until the birth.
  - ix. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the local authority.
  - x. An overnight carer for any usual household member, if the carer isn't a usual household member.
  - xi. Due to the shortage of larger properties, applicants who are eligible for four bedroom properties may also be considered for larger three bedroom properties, for example a three bedroom property with two separate living rooms where one can be considered to be used as a bedroom.
  - xii. A second ground floor living room can be regarded as a bedroom, and included in the assessment of an applicant's bedroom need as such, except where the property has a through kitchen/lounge or kitchen/diner and only one other separate living room or the dividing wall between two living rooms has been substantially removed. In considering the use of a room which could be used as a bedroom, regard will be given to whether the room has a fixed heating appliance with exposed flame which would make it unsuitable for use as a bedroom.
  - xiii. Households assessed as needing one bedroom who are resident in either a bedsit or HMO (House of Multiple Occupation) will not meet the criteria for a priority on overcrowding grounds.
- e. Property in disrepair, as verified by an Environmental Health Officer or equivalent.
- f. Under-occupying social rented housing by one bedroom, as per the criteria set out above in point d.

4. Needing to move on medical or welfare grounds (including grounds relating to a disability), due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. Applicants will be asked to provide evidence from a health/mental health or social care professional with direct knowledge of the applicant's condition for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The local authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation. Once accommodation is allocated to a person with medical or welfare needs, their support and care needs will be assessed jointly by social services, housing support providers, NHS Trusts, and other relevant agencies. The following list is intended to be illustrative and in no way prescribed or definitive:
- a. A mental illness, including but not limited to, a household member of victims of domestic abuse who are suffering the effects of violence or threats of violence.
  - b. A physical or learning disability of any member of the applicant's household.
  - c. Chronic or progressive medical conditions (e.g. MS, HIV/AIDS).
  - d. Frailty due to old age.
  - e. The need to give or receive care.
  - f. Victims of domestic abuse (defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse), including those have been provided temporary protection in a refuge or other form of temporary accommodation.
  - g. The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.
  - h. A restricted ability to fend for self.
  - i. Experiencing or at risk of abuse, harm or self-neglect from others or from self.
  - j. Young people at risk.
  - k. People with behavioural difficulties.
  - l. Need adapted housing and/or extra facilities, bedroom or bathroom.
  - m. Need improved heating (on medical and/or social care grounds).
  - n. Need sheltered housing (on medical and/or social care grounds).
  - o. Need ground floor accommodation (on medical and/or social care grounds).
  - p. Need to be near friends/relatives or medical/social care facilities on medical or social care grounds.
  - q. Need to move following hospitalisation or long-term care on medical and/or social care grounds.
  - r. Moving on from drug or alcohol recovery programme.
  - s. Moving on from short-term supported housing and hostel provision including specialist accommodation for those with mental health issues, where support is no longer required, being:



- i. local authority contracted / grant funded accommodation which is not considered local authority homeless provision. For applicants meeting this criteria the date of entry to the band will be the date the applicant moved into the supported accommodation provision. This is to enable a swift move-on from the accommodation so releasing a bed space which can be used by another person. The date of registration will not be backdated.
  - ii. Other short-term supported housing and hostel provision which is not local authority contracted.
- 5. Needing to move to a particular locality in the district of the authority, where failure to meet this need would cause hardship (to themselves or others). The following list is intended to be illustrative and in no way prescribed or definitive:
  - a. Victims of racial harassment.
  - b. Victims of hate crime due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.
  - c. Witnesses of crime, or victims of crime, who would be at risk of intimidation if they remained in their current homes.
  - d. Escaping anti-social behaviour such as harassment, alarm, distress, as result of nuisance or annoyance in relation to the occupation of their premises, or as a result of housing-related nuisance or annoyance, from a person.
  - e. Give or receive care.
  - f. Access specialised medical treatment.
  - g. Take-up a particular employment, education or training opportunity and in respect of transfer applicants, be closer to work (see section 3.2.8.2 for definition)
  - h. Due to housing benefit restrictions or other constraints on income from benefits.

4.2.5 **Band C** will consist of all other applicants who have not been afforded an additional preference or are not entitled to a reasonable preference. This will also include all applicants who have been awarded either Band A or B for a local authority scheme area where they have a local connection, but who will be awarded Band C for local authority scheme areas where they have no local connection.

4.2.6 **Band D** will consist of applicants from Band A, B or C, who have exhausted their right to refuse an allocation of social rented housing (see section 5.15). Applicants will remain in Band D for a period of 12 months from date of final refusal. After which, they will then be moved to whichever band is applicable to their circumstances at that time. The band acceptance date in the new band will be determined as follows:

- If this is the same Band the applicant was in prior to moving to Band D then the original band acceptance date will be applied.
- If the applicant moves to a higher band than they were in prior to moving to Band D then a new band acceptance date will be applied to reflect the date the last piece of evidence was provided to confirm the higher band criteria is satisfied.
- If the applicant was in Band A prior to moving to Band D and following a period in Band D moves to Band B, the original acceptance date in Band A will be applied to the Band B.

- If the applicant moves to Band C after the period in Band D then the acceptance date in Band C will be the date they were originally accepted onto the housing register.
- If an applicant has a change in circumstances during the 12 month period they are in Band D, that would place them in a higher priority band than they were in prior to moving to Band D, then on receipt of satisfactory evidence the application can be moved out of Band D to the appropriate band. The acceptance date in the new band will be the date the evidence was received.

4.2.7 For the purposes of this Scheme, an applicant or their usual household members will be considered as being involved or participating in a community (i.e. making a community contribution) if they are:

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

4.2.8 Those applicants who are unable to be involved or participate in their community due to an illness, disability, age, gender or any other characteristic or circumstance which means they are less likely to be able to work, will also be treated with the same favour as those who are actively involved or participating in their community.

4.2.9 Applicants whose circumstances change once they've been accepted onto Property Pool Plus must notify the local authority of such changes. A failure to do so could result in an applicant becoming disqualified and facing prosecution for fraud. If as a result of a change in circumstances:

- An applicant gains a higher banding preference for re-housing (e.g. they move from Band B up to Band A), their acceptance date will be amended to reflect the date that satisfactory evidence of the change was provided.
- 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.
- An applicant is assessed as having less banding preference and they move from Band A down to Band B, the original acceptance date in Band A will remain in force.
- An applicant moves down from Band A or Band B to Band C, their original acceptance date onto the housing register will be applied.
- An applicant is moved from Band A, B or C down to Band D, their acceptance date will be amended to reflect the date of the change. For further information on applicants moving out of Band D see section 4.2.5.
- If as a result of a change in circumstances an applicant becomes ineligible or disqualified, then they shall cease to be registered on Property Pool Plus.

4.2.10 Applicants whose entitlement to be placed in Band A or Band B is solely derived from a usual household member who is subject to immigration control, due to them not being entitled to freely enter or remain in the UK, or not being entitled to state aid, will instead in be placed in Band C.

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

#### **4.3.0 Cross Boundary Moves**

- 4.3.1 Each local authority will monitor the proportion of all their properties advertised through the scheme which are allocated to applicants living outside that local authority area. This will include all applicants who are not living in the allocating local authority area, regardless of whether they can demonstrate a local connection to that local authority area as detailed in section 3.2.8. If the number of allocations to non-resident applicants exceeds 5% net in any 12-month period, then that local authority may choose to implement an allocations approach whereby properties will be advertised giving preference to residents in that local authority area. Where this is implemented, it will be monitored on a quarterly basis and either removed / or continued as required, to maintain a maximum of 5% net inward migration. Where properties are advertised giving preference to local authority residents under this provision, exemptions will be afforded to the following:
- i. Members of the Armed Forces Community who are exempt from local connection criteria as defined in section 3.2.14.
  - ii. 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.
  - iii. Care leavers – persons aged up to age 25, who are owed a duty under Children Act 1989, section 23C, by one of the scheme partner local authorities.”

#### **4.4.0 Local lettings schemes**

- 4.4.1 The local authority and registered providers can use local lettings schemes to achieve a wide variety of housing management and policy objectives subject to agreement with the local authority. The following list is intended to be illustrative and in no way prescribed or definitive:
1. Allocating accommodation in rural villages and giving priority to applicants with a connection to a particular parish.
  2. Creating more mixed and/or sustainable communities.
  3. Dealing with a concentration of deprivation.

4. Ensuring properties that are particularly suited to being made accessible (e.g. ground floor flats) are prioritised for those with access needs.
5. Relocating essential workers such as teachers, nurses and police officers within a reasonable travelling distance from their work.
6. Supporting people in work/volunteering or who are seeking work or seeking volunteering opportunities.
7. Dealing sensitively with lettings in rural areas to sustain communities by giving priority to those with a local connection of more than two years.
8. Where a child to adult ratio could be lowered on an estate where there is high child density or, conversely, young single people could integrate into an estate where there is high ratio of older persons.
9. Where there are reasons to positively discriminate due to age, for example accommodation is only suitable for applicants under the age of 35 years, or over the age of state pension entitlement.

4.3.2 Upon identification of particular types, clusters or locations of housing for particular types of applicants, a local lettings scheme will be used to deal with letting those homes. Local letting schemes will have clear evidence of need for the approach being taken. Any local lettings scheme will not dominate Property Pool Plus and will overall give a reasonable preference to those in Band A and Band B over applicants in Band C or Band D. Any local lettings scheme adopted will set out the following:

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

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

1. A portion of properties for letting of new build properties for the first time, to be determined in accordance with the Local Authority's Local Plan.
2. A portion of properties, to be determined annually (from date of adopting this Scheme) by the local authority, for former members of the Armed Forces based on the number of applications made by and allocations made to former members of the Armed Forces during the preceding 12 months.
3. A portion of properties, to be determined annually (from date of adopting this Scheme) by the local authority, for households in types of employment where skills are in short supply.
4. A portion of properties, to be determined annually (from date of adopting this Scheme) by the local authority, for prospective and approved foster carers and adopters (endorsed by the local authority) as well as young people leaving the care of the local authority children's services, so it can satisfy its duty under Children Act 1989, section

22G to ensure there is sufficient accommodation available to the needs of looked after children, based on intelligence provided by the local authority's children services.

5. A portion of properties, to be determined annually (from date of adopting this Scheme) by the local authority, a minimum of which is one percent (1%) of all properties allocated, to Transfer Applicants who need to move for work related reasons, based on the number of applications made by and allocations made to Transfer Applicants who need to move for work related reasons, during the preceding 12 months.

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

1. Older persons apply for accommodation at an Extra Care Scheme. A joint assessment of the applicant's housing, care and support needs will be undertaken by the local authority's housing and adult social care departments, subject to consent from the applicant.
2. Single parents aged 16/17 years, who are not living with their parents. A joint assessment of the applicant's housing, care and support needs will be undertaken by the local authority's housing and children services departments, subject to consent from the applicant.
3. Rough sleepers and people at risk of rough sleeping. An assessment of housing and support needs will be undertaken by the local authority housing department, adult social care department, or an organisation commissioned by the local authority to provide support to people sleeping rough or at risk of rough sleeping.
4. Sex offenders. A joint assessment will be undertaken by Cheshire Police or Merseyside Police, National Probation Service, the local authority's adult social care department, health professionals and other bodies to manage risk to the community.

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

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

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

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

4.4.1 An equality duty is imposed on the local authority by the Equality Act 2010, section 149 (the "Public Sector Equality Duty"). Regard has been made to this public-sector equality duty and to the equality objectives that it sets out when formulating this Scheme and it will inform decision-making on individual cases so far as the law requires. Allocations of social

rented housing will be monitored to determine whether equal opportunities obligations are being met, to identify any negative impact on people with protected characteristics. A plan will be adopted to mitigate any negative impacts.

- 4.4.2 This Scheme intends to ensure that at all times non-discriminatory decisions will be made about the allocation of social rented housing. Regard has been had to advice on allocating housing to disabled people published by the Equality and Human Rights Commission, along with other associated research and guides that are available.
- 4.4.3 When formulating this Scheme, an equality impact assessment was undertaken to avoid discrimination and to demonstrate compliance with the public-sector equality duty. Particular attention has been paid to the housing needs of refugees, gypsies and travellers, people with disabilities, older people, people with mental health problems, and people who identify as lesbian, gay, bisexual or transgender. Any substantial variation to this Scheme will also be subject to an equality impact assessment. For further information, please see *the Property Pool Plus Equality Impact Assessment*.
- 4.4.4 This Scheme has been formulated to ensure compliance with the Human Rights Act 1998, the Equality Act 2010 and the European Convention on Human Rights Article 14 and regard has been had to the advice and guidance published by the Equality and Human Rights Commission for social housing providers on housing discrimination. The administration of the Procedure will be undertaken, in a non-discriminatory manner so not to treat any person directly or indirectly less favourably than others because of a protected characteristic, with particular attention being paid to people with a disability.
- 4.4.5 The local authority will provide regular, accurate and generalised information on how Property Pool Plus is managed, to actively dispel any misconceptions arising about the allocation of social rented housing and immigration, including data on nationality and immigration status, to strengthen public confidence in Property Pool Plus.
- 4.4.6 Applicants will be informed of their rights to seek assistance from the Equality and Human Rights Commission, if they believe the local authority has breached the Human Rights Act 1998, by contravening their human rights or unlawfully discriminated against them.

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

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

authority's children services. If there is some uncertainty about whether an applicant should qualify specifically due to matters relating to children services' duties, the Children Services department will be consulted.

#### **4.6.0 Discretion**

- 4.6.1 Discretion about being made qualifying, being made a direct offer of social rented housing, or being awarded additional preference will be exercised only by the Local Authority's Senior Officer. When assessing whether discretion should be applied, the Local Authority Senior Officer will consider:
1. What the exceptional circumstances are. They should be unusual or remarkable circumstances which indicate that the applicant's housing needs are more urgent than other applicants.
  2. What will be the consequences if no discretion is exercised? This will include considering how serious the potential consequences are and how likely each potential consequence is.
- 4.6.2 The use of discretion will be limited only to individual cases, within the City Region area, where there are exceptional circumstances including, but not limited to those detailed below (see Appendix 3 for further detail):
- a. Providing protection to people who need to move away from another local authority area, to escape violence, harm, or intimidation.
  - b. In circumstances where an applicant needs to move due to a serious offence (equal to MAPPA level 2 or 3), as defined by the Serious Crime Act 2007, Part 1, Schedule 1, there will be joint working with the Police, Probation Services, Adult Care Services, health professionals, registered providers and other bodies, to manage any risk to the community.
  - c. In circumstances where a member of the Armed Forces community has been disadvantaged in respect of their ability to access suitable housing through their own or their family member's service in the Regular Armed Forces or Reserve Forces.
  - d. In circumstances where a direct let is considered necessary to resolve an exceptional and urgent welfare need of an applicant or a member of their household.
- 4.6.3 When deciding whether to apply discretion, the Local Authority's Senior Officer will have regard to:
1. The fact that decisions to exercise discretion will be kept to a minimum.
  2. The need for consistency with previous decisions whether or not to exercise discretion. A discretionary register will be maintained for the scheme area to ensure consistency of application.
  3. What would be a fair outcome to ensure that there is no discrimination.
  4. The likelihood and severity of the potential consequences if discretion is not exercised.

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

- 4.6.4 In addition to the above discretion criteria, any individual partner local authority may decide to vary the scheme for a limited period to:
1. Provide for a period of direct lets to particular categories of people. Any decisions to do so will be made where it is considered necessary to meet local housing needs and taking into account the local authority's current tenancy and homelessness strategies.
  2. Implement pilot trials of new ways of working to inform future service delivery and potential scheme improvements to meet local housing needs. Any such variation would only be implemented where there would be no perceived negative impact on the other partner local authorities.
- 4.6.5 The implementation of any variation to the scheme as described in 4.6.4 would be subject to a separate delegated decision by the individual local authority implementing the change. Full details of any such variations to the scheme will be published on the website [www.propertypoolplus.org.uk](http://www.propertypoolplus.org.uk)
- 4.6.6 In all cases when direct offers are made, applicants will receive one direct offer only subject to the local authority's discretion to make a further direct offer.



## 5.0 Being Allocated a Property

### 5.1.0 Choice

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

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

## **5.2.0 Other General Points**

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

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

- 5.2.2 Applicants will not be offered an allocation that would result in them under-occupying the dwelling (against the definition used by the Department of Work Pensions to determine claims for help with housing costs), being overcrowded (against the UK Government's Bedroom Standard) or being unable to afford rental or service charges at the date an allocation or nomination is made. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment. Applicants who receive support from a carer who does not live with them and who is required to stay overnight, will have their need for a spare room taken account of whenever possible. Properties on the ground floor, with an accessible bathroom or an additional bathroom or toilet will be offered to applicants who have a medical need for such a dwelling over an applicant who has no need for such accommodation. Any particular needs of older applicants will be taken account of. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the local authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The needs of applicants who have been approved by the local authority to adopt or foster and require a larger property will be taken account of. The extent and circumstances of an applicant's household will be taken account of, as to whether they would be eligible or qualify in their own right or not.
- 5.2.3 For the purposes of determining overcrowding or under-occupying, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 1<sup>st</sup> October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
- i. A married or cohabiting couple,
  - ii. Adult aged 21 years or more,
  - iii. Pair of adolescents aged 10-20 years of the same gender,
  - iv. Pair of children aged under 10 years regardless of gender,
  - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
  - vi. An unpaired adolescent aged 10-20 years,
  - vii. An unpaired child aged under 10 years.
  - viii. An unborn child will be included in the bedroom calculation from the point the MATB1 certificate is provided to confirm the pregnancy. The gender of the unborn child will not be taken into consideration until the birth of the child i.e. the child will be paired with another unpaired child or unpaired adolescent regardless of gender until the birth.
  - ix. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the local authority.
  - x. An overnight carer for any usual household member, if the carer isn't a usual household member.
  - xi. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement.

- xii. Households assessed as needing one bedroom accommodation who are resident in either a bedsit or HMO (House of Multiple Occupation) will not meet the criteria for a priority on overcrowding grounds.
- xiii. Where gender identity is put forward as a reason for requiring an additional bedroom to be awarded outside the scope of the above criteria, cases will be assessed on a case by case basis. Consideration will be given to the particular circumstances in each case including evidence, which should be submitted to inform the decision, evidence may include, but is not limited to a gender recognition certificate for an adult age 18+, or for a child may include a letter of support from a Social Worker, medical professional, or member of school leadership team.

5.2.4 When considering child access arrangements, the council will make a decision about which parent or guardian it deems has the primary care of the child. This will be based on the individual merits and evidence provided in each case taking into account receipt of child benefit, court orders, written statement provided by the other parent, percentage of time spent caring for the children, the regularity and permanence of the arrangement and advice in relation to affordability. Evidence of birth certificates will be required for each child being considered under these arrangements. Additional checks maybe undertaken to verify child access arrangements and therefore protect against fraudulent claims.

Where an applicant and / or joint applicant / partner does not have primary care of dependent children, but shares care, either as a result of a court order or an informal arrangement, the council will consider the size and type of accommodation that is appropriate to either parent or guardian on a case by case basis.

Where an applicant and / or joint applicant / partner has access to children, they will normally be assessed as requiring one additional bedroom. However, where the applicant has permanently resident children, consideration will first be given to establishing whether the child(ren) staying under access arrangements could share with the permanently resident child(ren) under the usual bedroom standard. If this is the case, then an additional bedroom for child access arrangements will not be awarded. Any additional bedroom awarded for child access arrangements will not be taken into consideration for the assessment of a priority on overcrowding grounds.

An allocation of accommodation will depend on the rules applied by each registered provider. A decision of a registered provider will depend on several factors including:

1. The ability of the applicant to afford the rent with or without help from benefits; the property must be assessed as affordable.
2. The availability and popularity of family housing in any area that an applicant expresses a preference to live. For example, a registered provider Association may be more flexible if the property is a flat rather than a house or in an area of low demand. An applicant should contact the registered provider(s) directly for more information on their individual rules.

5.2.5 Applicants may not be made an offer of a property in a locality (e.g. electoral ward, parliamentary constituency) in which he or she has previously been the perpetrator or victim of anti-social behaviour, hate crime, violence or domestic abuse, or where the perpetrator or victim now currently lives. Offers may be withdrawn if new information is

provided to the local authority, or other stakeholder which they believe may put the victim at risk.

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

## **6.0 Other Arrangements**

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

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

### **6.2.0 Nominations**

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

### **6.3.0 Transfers**

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

### **6.4.0 Contracting-out**

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

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

- 6.5.1 Applicants will be informed of their rights to make a complaint about a private registered provider of social housing's decision to reject a nomination for an allocation of social rented housing. The methods by which complaints can be made are set out in the housing allocation rules and policies published by registered providers. Applicants that have a dispute about the housing allocation rules and policies of registered providers will be informed of their right to make a complaint directly to the organisation, and when still dissatisfied after their complaint has been investigated, to the Housing Ombudsman. Applicants will also be informed of their right to seek judicial review on any point of law of a registered provider's decision to reject a nomination of social rented housing.
- 6.5.2 Applicants will be informed of their right to seek a judicial review of a registered provider's decision-making on a nomination for social rented housing. Additionally, applicants who consider that there has been unlawful discrimination or infringement of human rights will be informed of their right to seek assistance from the Equality and Human Rights Commission.

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## APPENDIX 1 – INITIAL ENQUIRIES PROCEDURE

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

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

### **1. Application Administration Arrangements**

Applications to join the scheme will be assessed and managed by the organisation who has responsibility for administering the scheme in the local authority area where the applicant is currently resident. In the case of Liverpool City Council there are several administering organisations who jointly administer the scheme. Where an applicant is resident in Liverpool and is a tenant of one of the partner registered providers then the application will be managed by that registered provider. For other applicants who are resident in Liverpool, who are not tenants of one of the registered providers, the applicant may select one of the Liverpool administering organisations to manage their application during the registration process. To enable continuity and consistency of administration, the applicant may not subsequently select a different administering organisation to manage their application except in circumstances of safeguarding concern, or other special reason and then only by the agreement of Liverpool City Council.

If the applicant is not currently resident in any of the scheme local authority areas, then the application will be managed by the administering organisation for the Local Authority area where the applicant has a local connection. If the applicant is not resident in any of the local authority areas and has no local connection to any of the areas, then the applicant may choose which administering organisation will manage their application.

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

- a. On receiving initial enquiries to make a new application or amend an existing application following a change of circumstances, the officer must establish that the applicant is eligible to join the scheme.
- b. Applicants will be eligible unless:
  - i. they are from abroad and subject to immigration control (unless they fall into one of the limited exceptions); or
  - ii. they are from abroad and fall into a category the Secretary of State has prescribed as being ineligible.
- c. The allocations officer should review the applicant's identity documents to confirm the applicant's nationality and immigration status. Evidence should be a passport; birth certificate or immigration documents and copies should be kept on the file.
- d. If the allocations officer cannot determine the applicant's immigration status from the identity documents, the allocations officer can contact the UK Border Agency to confirm the applicant's immigration status, but should first warn the applicant so that the applicant has the option of withdrawing the enquiry before any action is taken.
- e. If the allocations officer is in any doubt as to the eligibility of the applicant, the allocations officer should consult the code of guidance (Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012) and discuss the file with a senior officer.
- f. If the allocations officer determines that the applicant is not eligible, the allocations officer should inform the applicant using the Not Eligible Letter (Document 1) and should advise the applicant on other housing options available.

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

- a. Once the applicant has been confirmed as being eligible, the allocations officer must determine whether the applicant qualifies for the scheme by completing a Qualification Assessment and consider each of the qualification criteria listed below. Document 2 may be used to assist in this process.
- b. The allocations officer should assess any evidence of the applicant's qualification at this stage, and any evidence provided should be referred to in the Qualification Assessment and a copy kept on the file.
- c. If the applicant does not qualify, the allocations officer should inform the applicant using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.

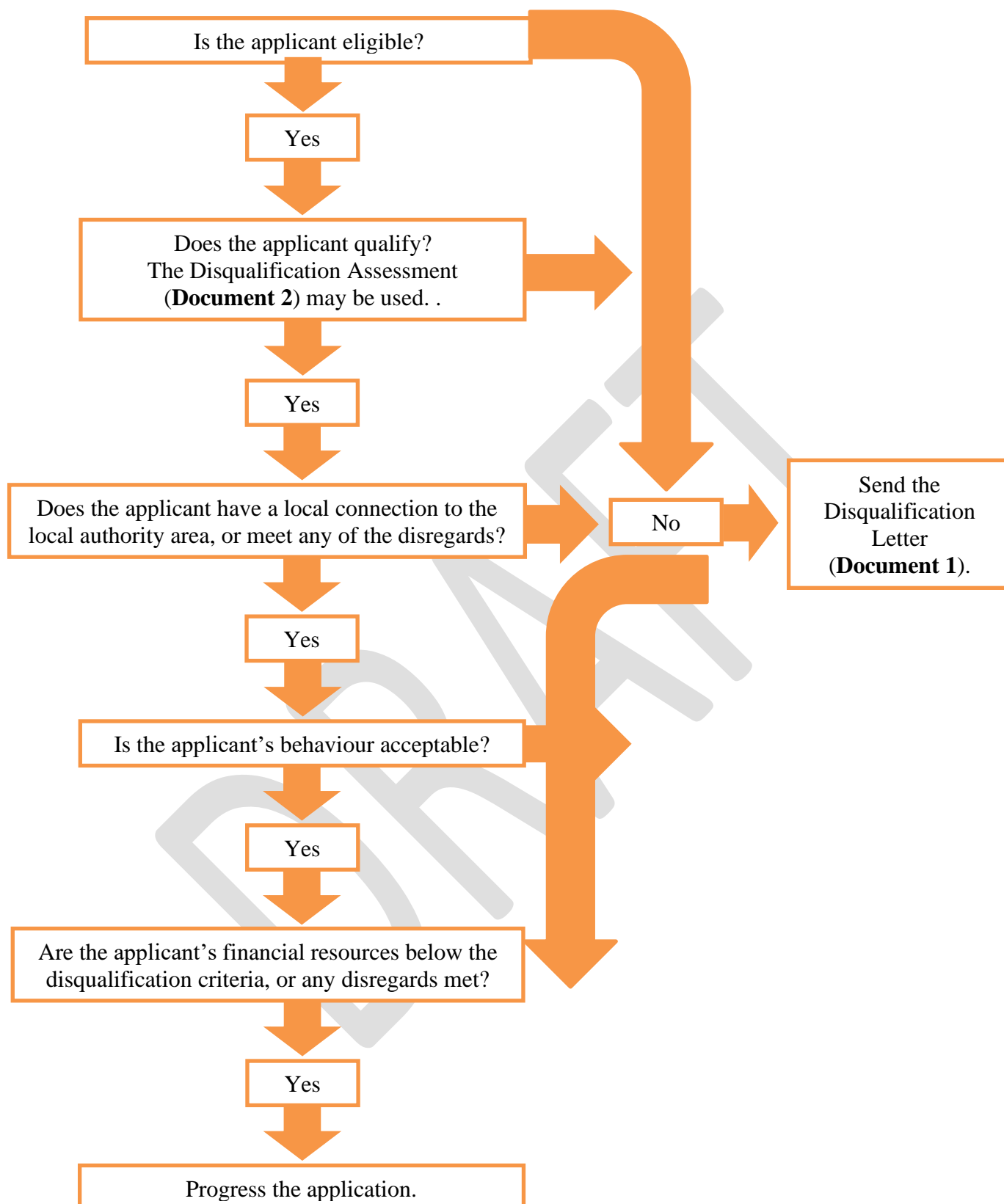
**4. Confirm that the applicant has a local connection.**

- a. The allocations officer must next confirm that the applicant has a local connection with the scheme area.
- b. An applicant will only be awarded the highest band for the local authority scheme area(s) that they have local connection to, for every other local authority scheme area they will be Band C.
- c. An applicant will have a local connection if they:
  - i. Currently live in the scheme area and have done so continuously for at least two years;
  - ii. have permanent employment in one of the local authority scheme areas or (if they are self-employed) have a work base in one of the local authority scheme areas;
  - iii. have parents, adult siblings or adult children who currently live in one of the local authority scheme areas and have done so for a continuous period of at least 5 years; or
  - iv. have special circumstances.
- d. Special circumstances can include, but is not limited to:
  - i. households fleeing violence who are owed a homelessness duty;
  - ii. people who do not live in local authority area, but who need to be near a close relative to provide care and/or support;
  - iii. people returning from temporary care or interim accommodation in another local authority area; and
  - iv. households including someone who:
    - 1. is serving in the regular forces or has done so in the last 5 years;
    - 2. has recently ceased, or will cease, to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner which was wholly or partly due to their service in the regular forces; or
    - 3. is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is wholly or partly attributable to that service.
    - 4. is required to move out of accommodation provided by the Ministry of Defence following the divorce or separation from a spouse or civil partner who is Service Personnel.
    - 5. is an adult child of service personnel who can no longer remain in the family home due to the impact of their family moving from base to base.
- e. The applicant should be asked to confirm that they have one of the above local connections with the local authority area and should be reminded of the importance of not providing misleading or inaccurate information.

- f. The allocations officer should assess evidence of the applicant's local connection at this stage and any evidence provided a copy should be kept on the file.
  - g. If the applicant does not have a local connection with the local authority area, the officer should inform the applicant that they are disqualified from the scheme using the Disqualification Letter (Document 1) and should advise the applicant on other housing options available.
5. Confirm the applicant is not excluded on the grounds of unacceptable behaviour.
- a. Applicants can be disqualified on the grounds of unacceptable behaviour by the applicant or a member of their household.
  - b. Unacceptable behaviour can include, but is not limited to:
  - c. Causing or likely to cause nuisance or annoyance to other persons in the locality of their property.
  - d. 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. This will include situations where either the main or joint applicant or any household member has displayed abusive or threatening behaviour toward members of staff involved in the administration of the Property Pool Plus scheme.
  - e. 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.
  - f. Breaching a provision of an injunction under section 1, conviction under section 30, or an order made under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which occurred in the locality of a specified property or elsewhere which caused nuisance, annoyance, harassment, alarm or distress to a person in the locality or the local authority or a registered provider, or resulted in access to property that has been prohibited under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014, for a continuous period of more than 48 hours
  - g. 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
  - h. 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.
  - i. 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.
  - j. The allocations officer should check existing records to see whether there is any evidence of unacceptable behaviour by the applicant or a member of the applicant's household. The applicant should also be asked to confirm that there has been no such unacceptable behaviour and should be reminded of the importance of not providing misleading or inaccurate information.
  - k. If there is any behaviour which may be unacceptable, the allocations officer should apply the following tests before making a decision on disqualification:
    - l. Has the applicant or member of their household behaved in such an unacceptable manner that they are considered unsuitable to be a tenant?
    - m. At the time of the application, is the applicant or member of their household still considered unsuitable to be a tenant?
    - n. Was the unacceptable behaviour serious enough to entitle a landlord to commence legal proceedings or to pose a serious threat to the local community?



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



## **Paperwork Templates**

### **Document 1 – Disqualification / Not Eligible Letter**

***[To be typed on letter-headed paper. One copy should be posted as soon as possible after a review request is received and another made available at the office for collection by the applicant or someone on the applicant's behalf.]***

***[Insert the applicant's address]***

**Date:**

**Dear *[Insert the applicant's name]***

#### **OUTCOME OF ENQUIRIES**

**I write further to your enquiry of *[Insert date]* about [making an application for an allocation of housing][amending your application for an allocation of housing].**

**I have reviewed your circumstances and unfortunately [you are not eligible under the scheme][you do not qualify under the scheme][you are disqualified from the scheme] because *[Insert reason for decision]*. This means that I cannot progress your enquiry at this stage.**

**This decision is based on the information you have provided about your current circumstances. If there is a change in your circumstances, you should make a new enquiry.**

**If you are not satisfied with this decision, you have the right to request a review of the decision. If you would like to request a review, you (or your representative) must make a written request within 15 working days of being notified of this decision.**

**If you request a review, your file will be passed to a senior officer who was not involved in the original decision. The senior officer will review the file and consider all of the circumstances of your case. You, or someone acting on your behalf, will be able to make representations in connection with the review. As soon as the review is completed, you will be notified of the review decision. [I enclose a leaflet which contains further information about the review process.] The following advice services may be able to assist you in relation to any review: *[Insert details]*.**

**As we discussed, there may be other housing options available to you. The following services may be able to assist you in relation to this: *[Insert details]*.**

**If you have any queries in relation to this letter, please contact me on *[Insert telephone number and email address]*.**

**Yours sincerely**

***[Insert contact name]***

## Document 2 – Qualification Assessment

### Disqualification Assessment

#### Applicant's details:

<b>Name:</b>	
<b>Date of birth:</b>	
<b>Current address:</b>	

Disqualification category	Applies to the applicant (Please tick)	Evidence provided (if any) (Please specify)
Person incapable of holding a tenancy agreement		
Person (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) is guilty of unacceptable behaviour that makes them unsuitable to be a tenant.		
Person (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) has outstanding liabilities (such as rent or service charge arrears, or recharges) attributable to a tenancy which are more than 1/12th of the annual amount payable (or which was payable) by an applicant to a landlord in respect of a tenancy.		
Person (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) has been found to have breached tenancy conditions.		
Person has not been resident in the local authority and does not have a minimum of two years continuous connection to the area, due to any of the following factors (disregards apply to applicants who are entitled to be afforded a reasonable preference for an allocation of social rented housing as defined in law, being persons who are survivors of domestic abuse and Armed Forces personnel).		
Person (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, subject to disregard criteria set out in 3.2.9 .		
Person (be it the applicant, joint applicant or partner) has combined		

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 and in certain circumstances those awaiting discharge from hospital or residential care, and those needing a move to a substantially adapted property – see section 3.2.10 for detailed criteria).		
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By signing this assessment, the applicant confirms that they genuinely believe they fall within the identified qualification category and that belief is not based on misleading or inaccurate information.

Date:	
Applicant's signature:	

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## APPENDIX 2 – APPLICATION PROCEDURE

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

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

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

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

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

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

- a. The officer should place the applicant in the appropriate band on the register using the Banding Structure. The date of entry in the band should be the date the last piece of evidence / information was submitted to verify that the criteria is met. The exceptions to this are:
  - In cases where applicants are being placed in Band B due to being ready for move on from local authority contracted, supported housing / hostel provision which is not local authority homelessness provision, the date of entry into Band B will be backdated to the date the applicant moved into that provision. The date of registration will not be backdated.
  - For qualifying young people going into Band A who are ready to move on from short term supported / hostel homeless provision which is local authority / grant funded and where the young person is considered a child in need as a result of a statutory assessment carried out by one of the scheme local authorities in accordance with Children Act 1989, section 17, the date of entry in Band A will be the date they moved into that provision. The date of registration will not be backdated.
  - For those leaving the care of the local authority children's services for the first time, being placed in Band A, the date of entry in band will be backdated to their sixteenth birthday. Any subsequent Band A award will not be backdated to their sixteenth birthday and will follow the usual policy rules for awarding band effective dates. The date of registration will not be backdated.
- b. If the officer believes there are exceptional circumstances which may mean that the applicant needs higher priority than the applicant would normally be given, the officer should refer to the procedure for applying discretion see Appendix 3.
- c. The officer should refer to the local connection criteria as set out in s 3.2.8 of the scheme to ensure that a priority Band A or B is only awarded for a local authority area where a local connection can be confirmed as defined in the scheme. For all other local authority areas, the highest priority band that can be awarded will be Band C.

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

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

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

This section of the process will be undertaken by the registered provider allocating the advertised property.

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

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

This section of the process will be undertaken by the registered provider allocating the advertised property.

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

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

This section of the process will be undertaken by the registered provider allocating the advertised property.

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

## **7. Confirm the allocation**

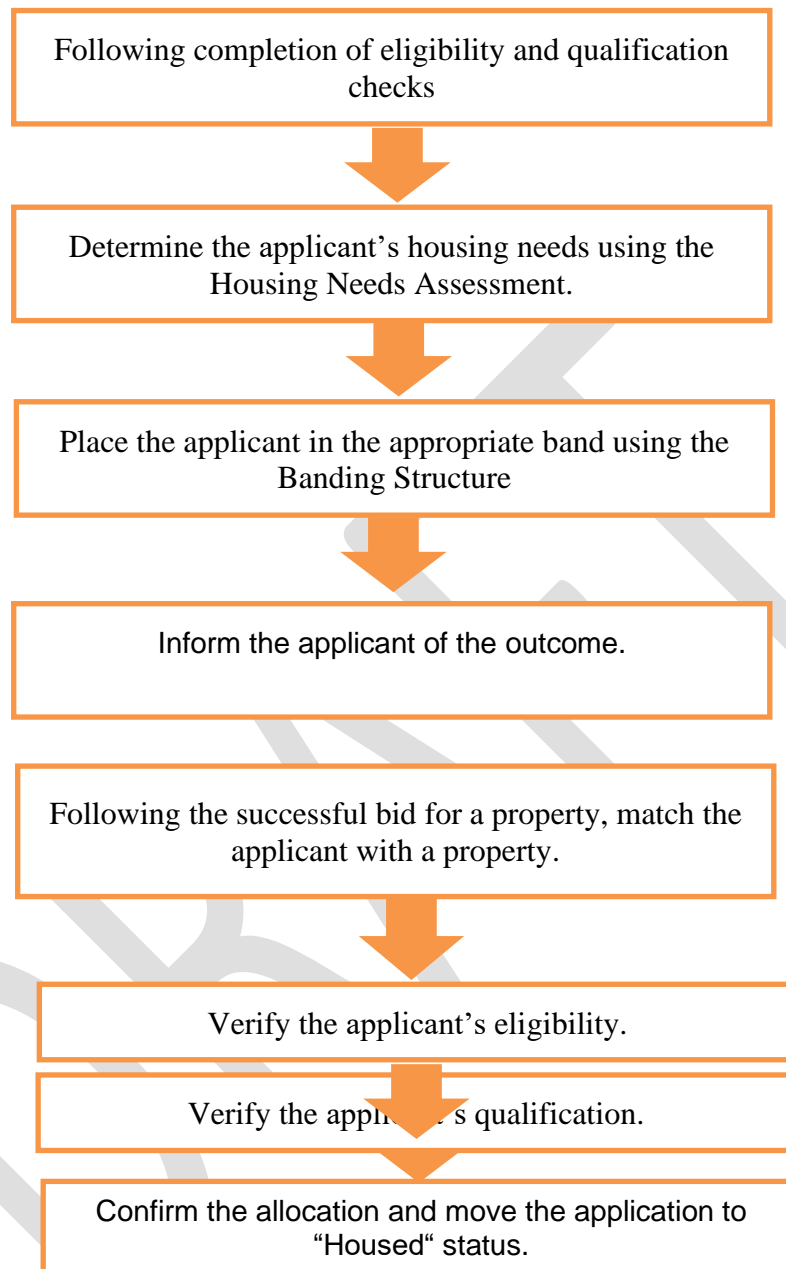
This section of the process will be undertaken by the registered provider allocating the advertised property.

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

## **8. Background information**

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

**Process chart for assessing and processing applications.**



## Paperwork Templates

### Document 1 – Checklist

#### Additional Preference - Band A:

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

under the care of the Local Authority's children services	
Members of the Armed and Reserve Forces	Proof of Forces service and need to move
Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.	Confirmation of situation from Armed Forces
Victims of racial harassment amounting to violence or threats of violence where other temporary resolutions are not possible and where continued occupation of their current dwelling could place lives at risk	Referral / supporting evidence from a relevant agency e.g. Police, Victim Support, ASBT
Victims of hate crime where other temporary resolutions are not possible and where continued occupation of their current dwelling could place lives at risk	Referral / supporting evidence from a relevant agency e.g. Police, Victim Support, ASBT, Anthony Walker Foundation
Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes, where other temporary resolutions are not possible and where continued occupation of their current dwelling could place lives at risk	Referral / supporting evidence from a relevant agency e.g. Police, Victim Support
Those who require rehousing due to a local authority approved regeneration or Decant scheme	Confirmation from the LA that the property falls within an approved Regeneration or Decant Scheme.
Persons participating in the Housing First Scheme led by the Liverpool City Region Combined Authority	Referral from LCR Housing First Administrator
Moving on from local authority homeless provision which is local authority / grant funded short-term supported housing / hostel where support is no longer required.	Confirmation from hostel / supported accommodation provider that the applicant is ready to move to independent living.

### Reasonable Preference – Band B

Criteria	Example evidence
Homeless, as defined by Housing Act 1996, Part 7, section 175, regardless of whether they have made an application for homelessness assistance, including those who are owed the section 189B initial duty owed to all eligible persons who are homeless, but are not owed the section 188 interim accommodation duty	Referral from Homeless Team confirming criteria is met. It is important to note that the law requires that anyone applying for social housing who is believed to be homeless or threatened with homelessness must be regarded as making an application for assistance under homelessness legislation (Part 7 of the Housing Act 1996). Such applicants will therefore be referred for homelessness assistance.
Owed a duty under Housing Act 1996, Part 7, specifically, those who are: <ul style="list-style-type: none"> <li>a. Intentionally homeless and have a priority need for accommodation, owed the section 190 duty.</li> </ul>	Referral from Homeless Team

b. Threatened with homelessness, owed the (prevention) section195 duty.	
Overcrowded due to lacking one bedroom	Evidence of the size of the property, such as property particulars or confirmation from the landlord, and the number of inhabitants, such as the electoral register. If necessary, an inspection may be carried out and advice sought from the Housing Standards Team. Refer to Overcrowding procedure Appendix 5.
Occupying insanitary housing or otherwise living in unsatisfactory housing conditions	Evidence that the applicant has made contact with their landlord and the Housing Standards team and copies of any improvement notices or prohibition orders issued. If an emergency prohibition order has been made, there should be a referral from the Housing Standards team with advice on the urgency of the situation.
Property in disrepair	Evidence that the applicant has made contact with their landlord and the Housing Standards team and copies of any improvement notices or prohibition orders issued. If an emergency prohibition order has been made, there should be a referral from the Housing Standards team with advice on the urgency of the situation.
Under-occupying social rented housing by one bedroom	Evidence of the size of the property, such as property particulars or confirmation from the landlord, and the number of inhabitants, such as the electoral register. If necessary, an inspection may be carried out. Refer to bedroom standard.
In housing need and needs to move on medical grounds (including grounds relating to a disability).	Referral from a medical professional (occupational therapist, psychiatrist, consultant, GP) or a social worker after a period of reablement provided by Adult Services has been completed. The key factor is the detrimental effect of the current accommodation so the referral could relate to the location of the property or its facilities. Whilst a referral is required and medical advice should be taken into consideration, it should not solely determine the outcome of the allocation officer's decision where there are other relevant factors.
In housing need and needs to move on welfare grounds.	Evidence of the applicant's welfare needs, such as: a) confirmation from social services that the applicant is providing accommodation for a care leaver or a person returning from a drug or alcohol recovery programme; or b) confirmation from social services that the applicant is a young adult with learning disabilities who could not be expected to find their own accommodation.



	c) confirmation from a hostel / supported accommodation provider that the applicant is ready to move to independent living. In cases where the current accommodation is contracted by the local authority then the band award date will be backdated to the date they moved into the supported accommodation.
In housing need and needs to move to a particular locality to avoid hardship to themselves or others (for example victims of racial harassment, victims of hate crime, witnesses / victims at risk of intimidation, escaping anti-social behaviour, to access medical treatment, give or receive care or start employment/training, housing benefit restrictions).	Evidence of how the move will relieve hardship. For example: a) referral from a relevant agency such as Anti-Social Behaviour Team in conjunction with the Police, MARAC, Multi Agency Public Protection Arrangements (MAPPA), b) evidence from a family member who is suffering harassment and/or financial abuse and is in danger of losing their home that the applicant will provide emotional/financial support on moving; or b) evidence from a medical professional that the applicant needs to be in a specific area to access treatment for a medical condition that cannot be reasonably accessed where they currently live.

#### **Additional requirements for special categories:**

If the applicant is under 18.	Confirmation that there is a third party to be a trustee of the tenancy (evidence is not required at application stage), satisfactory evidence that the applicant can pay the rent, such as proof of earnings, or an adult guarantor will be required at offer subject to the offering landlord's own procedures.
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#### **Local connection:**

<b>Grounds for local connection</b>	<b>Example evidence</b>
Currently live within the Scheme area for a continuous period of at least two years (6 of the last 12 months or 1 of the last 5 years and owed a homelessness duty).	Tenancy agreement, Council tax or utility bills or bank statements. For proof of former residence, possibly confirmation from the electoral register.
Have employment in one of the scheme local authority areas or (if self-employed) have a work base in the local authority area. Must not be short term i.e. less than 12 month contract, or less than 16 hours per week and in receipt of UC / WTC	Wage slips or P60 if employed, rates or business utility bills or business bank statements for self-employed.
Have parents, adult siblings or adult children currently living in one of the scheme local authority areas and who have lived in that area for a continuous period of at least 5 years.	Evidence of family connection, such as birth certificate, and evidence of family member's residence, such as tenancy agreement, Council tax or utility bills or bank statements. For proof of former residence, possibly confirmation from the electoral register.

Have special circumstances so should be deemed to have a local connection.	<p>Evidence that the household includes someone who:</p> <p>a) is serving in the regular forces or who has served in the regular forces within the last 5 years;</p> <p>b) has recently ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partners where the spouse or partner served in the regular forces and their death was attributable (wholly or partly) to that service; or</p> <p>c) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.</p> <p>d) Persons who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm</p> <p>It may be possible to verify special circumstances with a third party. For example, the police may be able to verify that a household is fleeing violence, a social worker may be able to verify that someone needs to be near a close relative to provide care or the homelessness team may be able to verify that the applicant was placed in interim accommodation outside the borough.</p>
Clarification notes	<p>Applicants will only be awarded a priority Band A or B for a local authority area where they have a verified Local Connection to the area as described above. For all other LA areas they will be awarded Band C.</p> <p>If they are claiming local connection based on residence and have been resident in more than one local authority area in the past two years, then they will only get a priority Band A or B for the area where they are currently resident or where they have been resident within the previous two years or where they can demonstrate a local connection on other grounds e.g. employment or family connection. For all other local authority areas a Band C will be awarded.</p>

### Unacceptable behaviour:

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

### Financial resources:

Disqualification criteria	Example evidence
Owner occupier or has equity in a property. Section 3.2.9 provides details of a number of disregards to this criteria.	Declaration on application form. Mortgage statements.
An applicant, joint applicant or partner with financial resources consistent with the UK Government's upper limit for savings set out	Applicants will be asked to declare their financial resources at the application stage. Verification evidence may include proof UC

in the common rules of the DWP Benefit and Pension Rates (disregards apply to Armed Forces personnel, see sections 3.2.14 and in certain circumstances those awaiting discharge from hospital or residential care, and those needing a move to a substantially adapted property – see section 3.2.10 for detailed criteria)	in payment, Bank statements and declaration via application form. If in receipt of Universal Credit this will suffice as evidence
An applicant who has been allocated social rented housing via this Scheme within the 12 months preceding a new application, and whose accommodation remains suitable.	Application housing history, PPP Records, landlord reference.
Participants of the Liverpool City Region Combined Authority Housing First Scheme are exempt from this qualification criterion	Housing First referral (see policy s3.2.2 for exemptions)

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## APPENDIX 3 – DISCRETION PROCEDURE

### **Policy for applying discretion when allocating housing.**

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- 4.6.1 *Discretion about being made qualifying, being made a direct offer of social rented housing, or being awarded additional preference will be exercised only by the Local Authority's Senior Officer. When assessing whether discretion should be applied, the local authority will consider:*
1. *What the exceptional circumstances are. They should be unusual or remarkable circumstances which indicate that the applicant's housing needs are more urgent than other applicants.*
  2. *What will be the consequences if no discretion is exercised? This will include considering how serious the potential consequences are and how likely each potential consequence is.*
- 4.6.2 *The use of discretion will be, limited only to individual cases, within the City Region area, where there are exceptional circumstances including, but not limited to those detailed below:*
- a. *Providing protection to people who need to move away from another local authority area, to escape violence, harm, or intimidation.*
  - b. *In circumstances where an applicant needs to move due to a serious offence (equal to MAPPA level 2 or 3), as defined by the Serious Crime Act 2007, Part 1, Schedule 1, there will be joint working with the Police, Probation Services, Adult Care Services, health professionals, registered providers and other bodies, to manage any risk to the community.*
  - c. *In circumstances where a member of the Armed Forces community has been disadvantaged in respect of their ability to access suitable housing through their own or their family member's service in the Regular Armed Forces or Reserve Forces.*
  - d. *In circumstances where a direct let is considered necessary to resolve an exceptional and urgent welfare need of an applicant or a member of their household.*
- 4.6.3 *When deciding, the local authority's Senior Officer will have regard to:*
1. *The fact that decisions to exercise discretion will be kept to minimum.*
  2. *The need for consistency with previous decisions whether or not to exercise discretion.*
  3. *What would be a fair outcome to ensure that there is no discrimination and*
  4. *The likelihood and severity of the potential consequences of discretion is not exercised.*

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

- 4.6.4 *In addition to the above discretion criteria, any individual partner local authority may decide to vary the scheme for a limited period to:*
1. *Provide for a period of direct lets to particular categories of people. Any decisions to do so will be made where it is considered necessary to meet local housing needs and taking into account the local authority's current tenancy and homelessness strategies.*
  2. *Implement pilot trials of new ways of working to inform future service delivery and potential scheme improvements to meet local housing needs. Any such variation would*

*only be implemented where there would be no perceived negative impact on the other partner local authorities.*

- 4.6.5 *The implementation of any variation to the scheme as described in 4.6.4 would be subject to a separate delegated decision by the individual local authority implementing the change. Full details of any such variations to the scheme will be published on the website [www.propertypoolplus.org.uk](http://www.propertypoolplus.org.uk)*
- 4.6.6 *In all cases when direct offers are made, applicants will receive one direct offer only subject to the local authority's discretion to make a further direct offer.*

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## Procedure for applying discretion when allocating housing.

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

- a. When assessing whether the application should be referred to the Senior Officer, the allocations officer should consider:
  - i. what the exceptional circumstances are. They should be exceptional, unusual or remarkable circumstances which indicate that the applicant's housing needs are more urgent than other applicants with reasonable preference.
  - ii. what will be the consequences if the local authority does not exercise discretion to move the applicant urgently. This should include considering how serious the potential consequences are and how likely each potential consequence is;
- b. Some examples of exceptional circumstances where the Local Authority's Senior Officer may decide to exercise discretion include, but are not limited to:
  - Providing protection to people who need to move away from another local authority area within the scheme area, to escape violence, harm, or intimidation,
  - In circumstances where an applicant needs to move due to a serious offence (equal to MAPPA level 2 or 3), as defined by the Serious Crime Act 2007, Part 1, Schedule 1, there will be joint working with the Police, Probation Services, Adult Care Services, health professionals, registered providers and other bodies, to manage any risk to the community.
  - A member of the Armed Forces community who has been disadvantaged in respect of their ability to access suitable housing due to their own or their family member's service in the Regular Armed Forces or Reserve Forces.
  - In circumstances where a direct let is considered necessary to resolve an exceptional and urgent welfare need of an applicant or a member of their household.
- c. If the allocations officer is in any doubt as to whether or not to refer the file, the officer should discuss the matter with a senior officer in their organisation.

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

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

### **3. Local Authority's Senior Officer to decide whether to exercise discretion.**

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

This example is not definitive in showing when discretion should or should not be exercised and is only included as guidance to assist the Officers in identifying applications which should be considered under the discretionary criteria.
- g. The local authority Senior Officer should aim to make a decision on whether or not to exercise discretion within **7 days** of either receiving the secure email or receiving additional evidence or reports which have been requested (whichever is later). The Local Authority Senior Officer should inform the officer of the decision as soon as possible after it has been made and should record the decision and the reasons for it on the file.
- h. The Local Authority Senior Officer should ensure that the discretionary decision is entered on the Scheme Discretion Register.



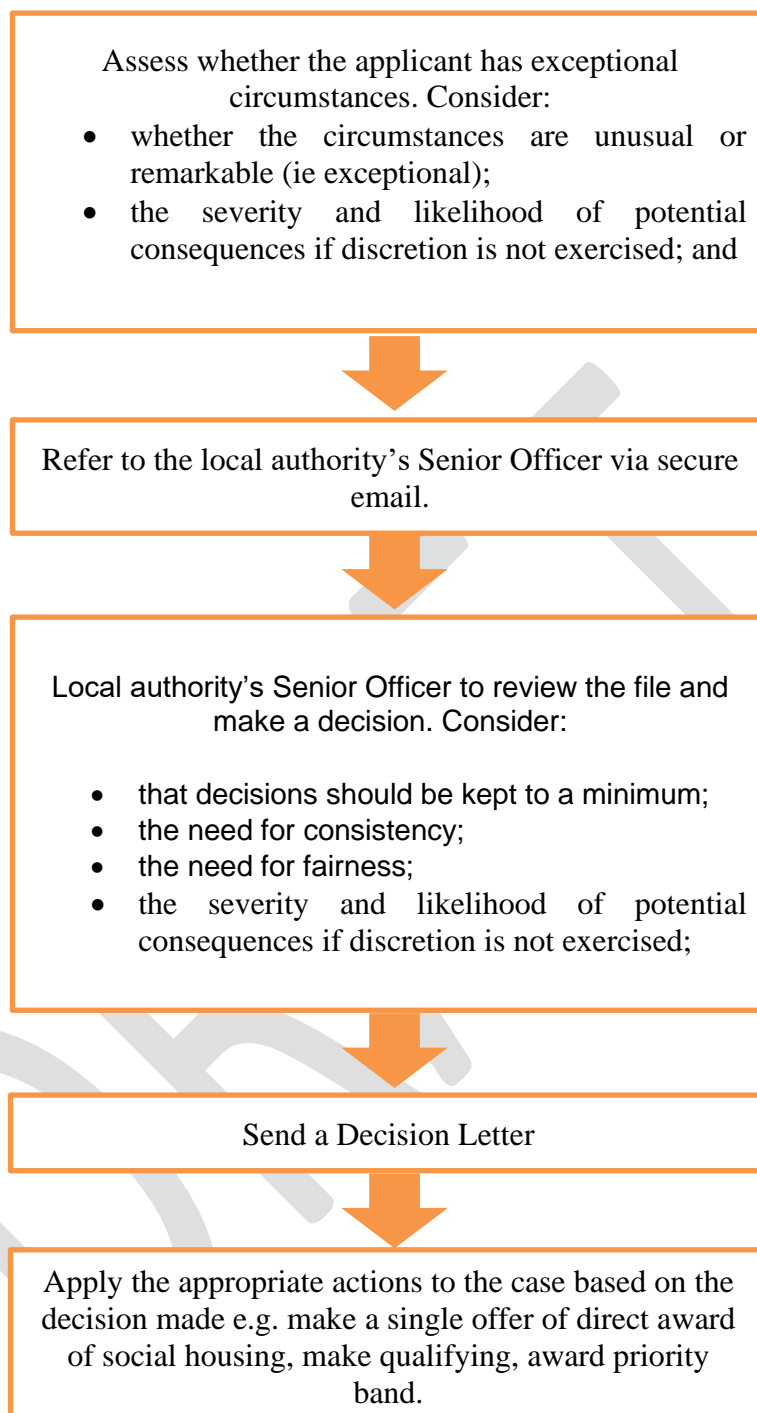
#### **4. Inform the applicant of the outcome.**

- i. Once the assessment of the application has been completed, the Local Authority Senior officer should ensure that the applicant is informed of the outcome using a Decision Letter.
- j. In all cases when direct offers are made, applicants will receive one direct offer only subject to the local authority's discretion to make a further direct offer.

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

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

## Process chart for applying discretion when allocating housing.



## **APPENDIX 4 – REQUEST A REVIEW PROCEDURE**

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

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

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

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

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

## **3. Refer the request**

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

## **4. Stage 1 review**

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

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

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

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

- a) The applicant can request a stage 2 review within 15 working days of receiving the review decision notice advising them of the stage 1 outcome. This request for a review can be

made in person, by telephone, by email or in writing, but must set out their reasons for the request.

- b) An acknowledgement letter must be sent to the applicant, copying in the relevant scheme council, within 10 working days of receipt of the stage 2 request.
- c) All the necessary documentation must be sent immediately to the relevant council, which should include the following;
  - The applicant's initial stage 1 review complaint
  - The response from administering scheme partner
  - The applicants request that they wish to proceed to a stage 2 review
  - Electronic application file
  - Any other relevant documentation.

## **7. Stage 2 Review**

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

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

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

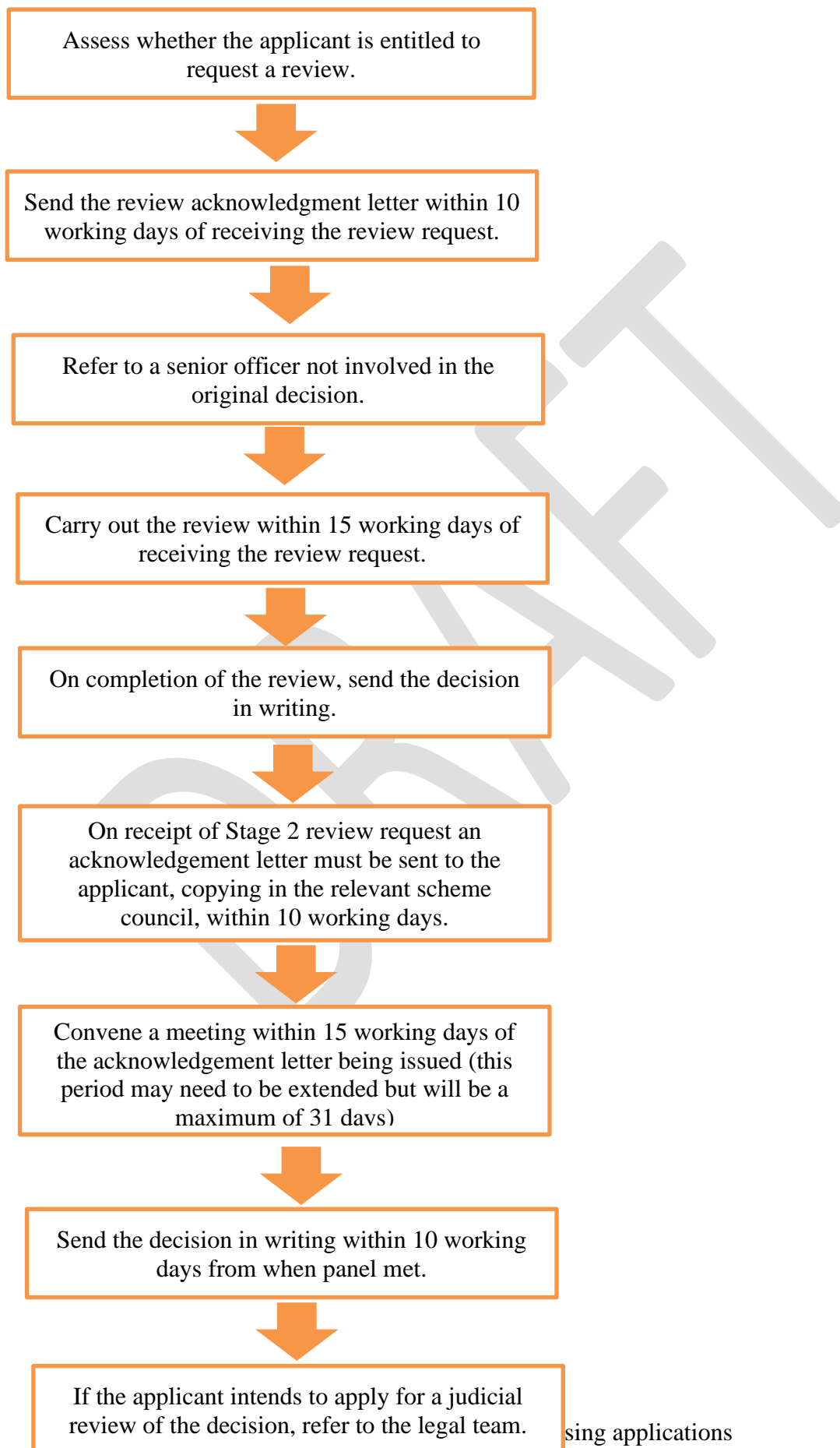
- e) If applicants are dissatisfied with how their application and any subsequent complaint has been handled by the local authority, they will be informed of their right to make a claim of maladministration to the Local Government and Social Care Ombudsman.

## **9. Background Information**

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

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## Process chart for dealing with requests for reviews of allocation decisions.



## **APPENDIX 5 – OVERCROWDING AND UNDEROCCUPANCY PROCEDURE**

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

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

- 1.1.1 If an applicant has applied on the basis that the applicant's existing accommodation is overcrowded or under-occupied, the officer should first establish the applicant's bedroom needs.
- 1.1.2 For the purposes of determining overcrowding or under-occupying, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01<sup>st</sup> October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
- i. A married or cohabiting couple,
  - ii. Adult aged 21 years or more,
  - iii. Pair of adolescents aged 10-20 years of the same gender,
  - iv. Pair of children aged under 10 years regardless of gender,
  - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
  - vi. An unpaired adolescent aged 10-20 years,
  - vii. An unpaired child aged under 10 years.
  - viii. An unborn child will be included in the bedroom calculation from the point the MATB1 certificate is provided to confirm the pregnancy. The gender of the unborn child will not be taken into consideration until the birth of the child i.e. the child will be paired with another unpaired child or unpaired adolescent regardless of gender until the birth.
  - ix. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the local authority.
  - x. An overnight carer for any usual household member, if the carer isn't a usual household member.
  - xi. Where gender identity is put forward as a reason for requiring an additional bedroom to be awarded outside the scope of the above criteria, cases will be assessed on a case by case basis. Consideration will be given to the particular circumstances in each case including evidence, which should be submitted to inform the decision, evidence may include, but is not limited to a gender recognition certificate for an adult age 18+, or for a child may include a letter of support from a Social Worker, medical professional, or member of school leadership team.
- 1.1.3 Once an applicant's bedroom needs are known, the local authority will confirm whether an applicant's existing accommodation is overcrowded or under-occupied. The local authority will confirm the size and type of the existing accommodation and the usual members of the applicant's household. This might include the local authority assessing the evidence provided by the applicant or if necessary, carrying out an inspection.
- 1.1.4 The following non-exhaustive list details the types of evidence an applicant may provide, all documents should be dated within the previous 3 months or linked to the current financial year's benefit award:
- i. Local authority letter (council tax, benefits etc.)



- ii. DWP letter
- iii. Pay slip / P45 / P60
- iv. Photo driving license

- 1.1.5 Whilst determining whether an applicant is overcrowded or under-occupied, the local authority will consider whether any other services could assist an applicant in resolving their overcrowding or under-occupation and will advise the applicant accordingly.
- 1.1.6 The local authority will notify applicants as to whether they are overcrowded or under-occupying. Applicants that are overcrowded or under-occupied by two or more bedrooms will be placed in Band A. Applicants that are overcrowded or under-occupied by one bedroom will be placed in Band B. Applicants that are not overcrowded or under-occupied will be placed into Band C, unless there are any other grounds relevant to their applicant (see section 4.2.4).
- 1.1.7 If there is any indication that the applicant may have contrived the overcrowding or under-occupancy situation with the intention of gaining preferential access to housing, the officer should ask the applicant for clarification. Should any further evidence provided by the applicant not provide sufficient clarification the officer will discuss the file with a senior officer. The officer and the senior officer should agree what further inquiries there should be carried out to confirm the situation.
- 1.1.8 Applicants who have contrived an overcrowding or under-occupation situation should be dealt with under the policy for dealing with potential cases of disqualification as set out in section 2.3.0.

## **2.2 Specific Arrangements**

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

2.2.5 When considering child access arrangements the council will make a decision about which parent or guardian it deems has the primary care of the child. This will be based on the individual merits and evidence provided in each case taking into account receipt of child benefit, court orders, written statement provided by the other parent, percentage of time spent caring for the children, the regularity and permanence of the arrangement, and advice on affordability. Evidence of birth certificates will be required for each child being considered under these arrangements. Additional checks maybe undertaken to verify child access arrangements and therefore protect against fraudulent claims.

Where an applicant does not have primary care of dependent children, but shares care, either as a result of a court order or an informal arrangement, the council will consider the size and type of accommodation that is appropriate to either parent or guardian on a case by case basis.

Where an applicant has overnight access to children, they will normally be assessed as requiring one additional bedroom. However, where the applicant has permanently resident children, consideration will first be given to establishing whether the child(ren) staying under access arrangements could share with the permanently resident child(ren) under the usual bedroom standard. If this is the case, then an additional bedroom for child access arrangements will not be awarded. Any additional bedroom award will not be taken into consideration for the assessment of a priority on overcrowding grounds.

An allocation of accommodation will depend on the rules applied by each registered provider. A decision of a registered provider will depend on several factors including:

1. The ability of the applicant to afford the rent with or without help from benefits; the property must be assessed as affordable.
2. The availability and popularity of family housing in any area that an applicant expresses a preference to live. For example, a registered provider may be more flexible if the property is a flat rather than a house or in an area of low demand. An applicant should contact the registered provider(s) directly for more information on their individual rules.