



**Oldham Council Allocations Scheme 2019**

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# INTRODUCTION TO THE SCHEME

## Introduction

1. The Housing Act 1996 (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an allocations scheme. This scheme has been developed in line with relevant legislation and statutory guidance.
2. This document sets out the criteria which will be used to allocate social housing available to the council. The accommodation available to the council includes homes managed by Inspiral (Oldham Ltd) and Housing 21 under PFI contracts and those owned by Registered Providers with whom the council has a “Nominations Agreement.”
3. As demand for social housing in Oldham exceeds supply, the main purpose of this scheme is to ensure that when deciding who will be offered social housing the council delivers its legal responsibilities and supports communities in Oldham by protecting the vulnerable and supporting people who make a valuable contribution in their community.
4. The council has established a Common Allocations Framework which makes it easier and simpler for customers to access social housing in Oldham. The Framework enables:
  - operation of a single choice based lettings scheme access and allocations of homes in accordance with a single allocations scheme
  - access to most of the social housing available in Oldham to those seeking housing
  - consistency of access to housing provided by a range of landlords
  - better communications and flow of information in the lettings process, and
  - understanding of the housing needs in the borough.
5. The Framework comprises the majority of Registered Providers operating in Oldham, who work together to develop, implement and review the approach to allocations in the borough.
6. A list of the all the registered providers who are members of the Framework can be found at Appendix 7.

## Amendments

7. This allocations scheme will be subject to review. Minor changes to the scheme will be approved by the Council’s Executive Director of Economy. If significant policy changes are required the Council will undertake statutory consultation with key stakeholders including Registered Providers, Councillors and customers.

## Aims of the allocations scheme

8. As there is a continued substantial demand for rented housing across Oldham, this scheme seeks to achieve a balance between enabling the council to fulfil its statutory duty to give reasonable preference to those in urgent need of housing, to allow fair access to

all eligible housing applicants and also to promote more sustainable communities by, for example, giving priority to people who contribute to their community in various ways.

9. This allocations scheme aims to provide:

- A scheme that meets all legislative requirements.
- Make best use of our social housing stock to meet the needs of those in most urgent housing need and/or the most vulnerable.
- Ensure the Housing Needs Register reflects housing needs of the borough.
- Incentivise and reward those in housing need who are working or making a community contribution.
- Voids are let efficiently and in the minimum amount of time
- Create and support sustainable neighbourhoods and communities
- Choice to applicants balanced against the shortage of social housing.
- A scheme that ensures that no group or individual is discriminated against as a result of this policy and to promote equal opportunities.

The council and Registered Provider partners are committed to:

- developing and delivering fair rehousing services and policies
- improving access to housing services
- monitoring service outcomes to ensure that the Allocations Scheme is meeting its aims.

The council aims to operate a fair, non-discriminatory policy in letting properties which complies with the Equality Act 2010.

### **Allocations**

10. The Housing Act 1996 Part 6 defines a Local Authority allocation as when a person is:

- Selected to be a secure or introductory tenant of Local Authority's owned housing accommodation.
- Nominated to be a secure or introductory tenant of housing accommodation held by another agency or landlord.
- Nominated to be an assured or introductory tenant of housing accommodation owned by a Registered Provider.

11. The tenancies offered may include fixed term tenancies. The types of tenancies offered by the Council and Registered Provider partners are described in the Council's Tenancy Strategy.

12. Oldham Council may not apply the Allocations Scheme to existing secure, assured or introductory tenants or licensees, unless that person makes an application for housing. Where a landlord requires a tenant to move (for example, to facilitate redevelopment or refurbishment), the Council will instead offer them suitable alternative accommodation in accordance with the provisions of Section 84 (2) (b) and Schedule 2, Part IV of the Housing Act 1985.

13. The following are not 'allocations' under this scheme and therefore are not therefore subject to this policy:

- All transfers initiated by the council, for example due to a tenant being displaced from their accommodation.
  - Succession of a tenancy after a tenant's death.
  - Assignment by way of mutual exchange.
  - Transfer of a tenancy by a court under family law provisions.
  - The conversion of an introductory tenancy or starter tenancy into a secure or assured tenancy.
  - Identifying an occupant for temporary accommodation to house homeless households owed a duty under the homelessness legislation.
  - Nominations made not under Part 6 of the Housing Act 1996 for offers of assured tenancies, assured shorthold tenancies or other tenancies or licences from private landlords or housing charities who are not Registered Providers.
14. Registered Providers may transfer their own tenants within their stock. Transfers of existing tenants within a Registered Provider's stock are not subject to this allocations scheme. However Registered Providers may use the Council's Choice Based Lettings, which is the Oldham Council's website to advertise properties available for transfer. These will be labelled clearly as offering priority for existing tenants of the allocating landlord. Registered Providers who are part of the Common Allocations Framework may retain up to 15% of all of their available properties for transfers.

### **Legal requirements**

15. Local Authorities are required to make allocations in accordance with a published allocations scheme, as described in the 1996 Housing Act (as amended by the 2002 Homelessness Act). The Housing Act also requires local authorities to publish their statement on offering applicants choice in relation to rehousing.
16. This policy complies with all the requirements of the Housing Act 1996 and takes into account all current statutory guidance including:
- 'Allocation of Accommodation: guidance for local housing authorities in England' issued in 2012
  - 'Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England' published in 2013
  - 'Right to Move: Statutory guidance on social housing allocations for local housing authorities in England' published in 2015.
17. The council is required by the Housing Act 1996 to provide the following information:
- A free summary of the housing allocations scheme. This is available at the Housing Options Reception, Access Oldham, Civic Centre, West Street, Oldham, OL1 1UH, plus the offices of Registered Providers. It is also available to download on Oldham Council's website - [www.oldham.gov.uk](http://www.oldham.gov.uk)
  - A full copy of the scheme. This is available on request. A reasonable charge may be levied for this.

### **Meeting housing need in Oldham**

18. This scheme is based on:

- the recognition of reasonable preference categories that are set by law, i.e. those applicants who must be given reasonable preference under the council's allocations scheme.
  - Prioritise applicants for housing based on the needs of the local area.
  - the principle that social housing priorities should be set on the basis of an applicant's housing needs.
- 19.

Reasonable preference for housing must be given to those in the categories in the 1996 Housing Act, amended by the 2002 Homelessness Act, listed below. A full description of each of these categories and how they are applied is given in paragraphs 143-191 of this policy. The statutory reasonable preference categories cover:

- all categories of homeless people (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with Oldham Council).
  - people occupying insanitary, overcrowded or otherwise unsatisfactory housing.
  - people who need to move on medical or welfare grounds (including grounds relating to a disability).
  - people who need to move to a particular locality within the district to avoid hardship to themselves or others.
- 20.

Oldham also has some groups of applicants to which it will give a local priority. These include:

- council and registered provider tenants who would like to move to a home with fewer bedrooms than they have now
- applicants occupying council or registered provider owned homes with adaptations which they no longer need.
- In addition to the statutory categories of Reasonable Preference the council has chosen to give RP to foster carers and households seeking to adopt a child.

Additional priority will be granted to reflect the needs of those applicants owed reasonable preference that the council believes have urgent housing needs.

Additional Preference will be granted to reflect the needs of those applicants owed Reasonable Preference that the council believes have urgent housing needs.

Applicants with Reasonable Preference may have their priority for housing reduced if they have higher levels of income or assets or are home owners with more than 30% equity in their home. Further details can be found at paragraphs 198 - 200.

### **Administering the allocations scheme**

21. There is no statutory requirement for the Council to maintain a Housing Needs Register. However the Council has chosen to hold a register for applicants with a recognised housing needs.
22. The council administers the Allocations Scheme and the council retains full responsibility for the policy itself (including any amendments to it) and for consulting Registered Providers and any other stakeholders on any proposed changes to the policy.
23. The administrative functions that the council carries out to administer the allocations scheme include (but are not limited to):



- processing all applications for housing
  - decision making relating to eligibility to join the Housing Needs Register, and qualification for housing and housing priority for those with Reasonable Preference.
  - initial assessment of whether an offer of accommodation was reasonable in cases where it has been refused by an applicant on the Housing Needs Register
  - ensuring that advice and information about social housing allocations and the Allocations Scheme are available.
  - administration of the Housing page on Oldham Council's website, which is the Council's Choice Based Lettings scheme.
24. The Council will verify the circumstances of applicants with Reasonable Preference joining the Housing Needs Register to confirm the applicant's eligibility and qualification for housing, and their priority for housing.
25. Applicants who do not have a recognised housing need will not be accepted onto the Housing Needs Register.

### **Oldham Council's policy on choice**

26. The Housing Act 1996 requires Local Authorities to publish a statement of the authority's policy on offering applicants choice in relation to rehousing.
27. Applicants will be asked to state those areas where they believe that they cannot live due to a fear of violence, harassment or domestic abuse. The Council will decide whether those fears are sufficient for not allocating accommodation in the areas stated. If the fears are considered to be sufficient, then the Council will not make an offer of accommodation in those areas, and the refusal of an offer in those areas will not adversely affect the application on the Housing Needs Register. Applicants should only bid for homes appropriate to their needs.

### **Monitoring and evaluation**

28. The allocations policy will be reviewed periodically and may be amended, for example, to alter the allocations outcomes or to incorporate emerging best practice, case law or new statutory guidance relating to the allocation of accommodation.

### **Equality and diversity**

29. The allocations scheme is intended to provide a fair approach to the allocation of homes, ensuring that no applicant experiences discrimination relating to the Protected Characteristics defined in the Equalities Act 2010.
30. Oldham Council is committed to providing clear and comprehensible information. Support will be offered to applicants who have difficulty reading or understanding this allocations scheme.

## **ELIGIBILITY AND QUALIFICATION FOR HOUSING**

### **Eligibility for social housing**

31. Applications for housing will be accepted by any person resident in the UK who is aged 16 years or over if they have income sufficient to meet their housing and everyday living costs. This financial assessment will consider eligibility for welfare benefits. Landlords may have special arrangements for the allocation of homes to tenants aged less than 18 years.
32. All individuals or households who qualify for housing under this Allocations Scheme (see paragraphs 38 - 43 below) and who are owed a full homelessness duty under sections 193 (2) or 195 (2) of the Housing Act 1996 will automatically be registered on the Housing Needs Register, with a registration date when they presented as homeless to the council.
33. Applicants who are not currently living permanently in the UK but are eligible for housing may apply for housing.

Applications for housing can be made by a sole applicant or joint applicants.

### **Applicants not eligible for social housing**

34. Some categories of people are not eligible for social housing. These are defined in the Housing Act 1996 as:
- A person from abroad who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless he is of a class prescribed by regulations made by the Secretary of State. (this does not apply to existing Council or Registered Provider tenants).
  - Any other person as prescribed by the Secretary of State
35. Applicants who are not eligible for housing will not be registered on the Housing Needs Register and will not be made an offer of accommodation (whether they have Reasonable Preference or not).

### **Qualifying criteria**

36. Applicants who do not qualify for housing will not be registered on the Housing Needs Register and will not be eligible for an offer of accommodation (whether they have Reasonable Preference or not). A person will not qualify for housing if:
- s/he or a member of the household is considered to be guilty of serious unacceptable behaviour, and
  - at the time of the application or offer of housing, they are still deemed to be unsuitable to be a tenant by reason of that behaviour.
37. An applicant will not qualify for housing if s/he or member of their household has a history of anti-social behaviour and/or criminal activity, including causing serious damage to a previous social or private sector tenancy for which a rechargeable repair bill has been raised. It will be the responsibility of the

housing applicant to demonstrate that their behaviour has changed sufficiently that they should be considered for an offer of housing.

38. An applicant will not normally qualify for housing if s/he or any member of the household use illegal substances unless there is evidence to show that they are adhering to a drug reduction programme and the support provider confirms this.
39. Unacceptable behaviour can include (but is not limited to):
1. Owing significant rent arrears
  2. Failing to comply with a current or past tenancy agreement with a council, Registered Provider or private landlord
  3. Conviction for illegal or immoral purposes
  4. Causing nuisance and annoyance to neighbours or visitors
  5. Committing certain criminal offences in or near the home and still posing a threat to neighbours or the community
  6. Being violent towards a partner or members of the family
  7. Allowing the condition of the property to deteriorate
  8. Allowing any furniture provided by the landlord to deteriorate due to ill treatment
  9. Obtaining a tenancy by deception, for example, by giving false information
  10. Paying money to illegally obtain a tenancy
  11. Losing accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there
  12. Abandoning a previous tenancy
  13. Misusing prescribed or illegal substances unless there is evidence to show that the applicant is adhering to a drug reduction programme and the support provider confirms this
  14. Behaving in a threatening manner.
40. If an applicant is disqualified the Council will write to the applicant to inform them of the decision and the grounds for it. A disqualified applicant may reapply for housing in the future if they can demonstrate that there has been a significant improvement in their behaviour.
41. The council will determine whether the applicants with Reasonable Preference should qualify for the Housing Needs Register. The allocating landlord will determine whether applicants without Reasonable Preference qualify for an allocation.

## **ALLOCATIONS APPROACH**

### **Common Allocations Framework**

42. A Common Allocations Framework is in place in Oldham. The Registered Providers who are members of the framework allocate the majority of the homes they have available through Oldham Council's website. The partners of the Common Allocations Framework share this policy for the majority of lettings.
43. As demand for social housing exceeds supply, the allocations scheme must deliver an approach which efficiently and effectively identifies suitable tenants for available homes, while ensuring that the Council is meeting its statutory duty of meeting housing needs in the borough.
44. For members of the Common Allocations Framework up to 15% of the total number of available properties may be retained for transfer applicants.

### **Nominations**

45. Registered Providers who are not part of the Common Allocations Framework have a nominations agreement with the Council which defines the percentage of properties that will be made available for allocation by the Council. Properties for nomination will be advertised on the Oldham Council website and a list of suitable nominees will be submitted to the Registered Provider requesting the nomination. If a suitable tenant is not identified the landlord may select an alternative method to find a suitable tenant.

### **Choice Based Lettings**

46. Most applicants will be able to access the Choice Based Lettings system to find a home. When an applicant sees a home advertised that they would like to live in, they should express an interest in that property by submitting a bid online or by other means in line with agreed procedures. Staff will be available to help if required.
47. Applicants should only bid for properties that they are eligible for and the type of property that they would like to move into.
48. For all advertised properties, bids will be checked against the criteria used in the advertisement. Any bids that do not meet the criteria may be bypassed.
51. The applicant to be offered the property will be contacted to verify their circumstances. Provided the applicant is eligible, qualifies, is suitable for the property and the applicant passes the sustainability risk assessment, an offer of the property will be made and a viewing arranged.

52. If the applicant refuses the property or the applicant fails the sustainability risk assessment (see paragraphs 107 - 109), then it will be offered to the next applicant on the shortlist. If no suitable tenant has been identified the allocating landlord may make the property available to the people on the 'Mailing List.'

### **When properties will be advertised**

53. Properties may be uploaded at any time. Each listed property will have a closing date within which the customers will need to register their bids.
54. Large family homes of 4 and more bedrooms and newly-built homes will be advertised for a minimum of 5 working days.
55. All properties advertised on which the landlord receives at least 2 weeks' notice of tenancy termination will be advertised for a minimum of 3 working days, commencing at any time.
56. Where the landlord accepts a shorter notice of less than two weeks or there has been an eviction, these will be advertised for a minimum of 48 hours.
57. Saturdays, Sundays and public holidays are included in the duration of the advert. For example, an advert for a property advertised at 13.30 on the Thursday before Good Friday would normally state that bids may be made until 09:00 on the Tuesday of the following week.

## **MAKING AN APPLICATION**

### **About Housing Options**

58. Housing Options is an online service operated by the Council enabling applicants to apply for social housing in Oldham. Properties from several landlords will be advertised through the Oldham Council website and all applicants on the Housing Needs Register will be able to view and bid for properties.
59. Making an application, bidding for properties, renewing applications and submitting change of circumstances form can only be done online except in exceptional circumstances.
60. Applicants who do not have access to the internet can access Oldham Councils Website free of charge at Access Oldham, Civic Centre, West Street, Oldham, OL1 1UT. Alternatively, free internet access is available in public libraries throughout the Oldham area.
61. The Council can also provide support and assistance to applicants in completing the online form at their offices.
62. A valid e-mail address will be required for all applications and e-mail may be used as a primary point of contact for applicants. Where an applicant does not have an e-mail address, the Council can provide advice on how to sign up for a free account.

### **Making an application**

63. Anyone can apply to join the Housing Needs Register by visiting [www.oldham.gov.co.uk](http://www.oldham.gov.co.uk) website. However, only applicants who have a recognised housing need will be accepted (for more information on recognised housing need see paragraphs 143).
64. The Council will review all the application and apply any banding within 10 working days of the application being submitted or, if a homeless applicant, once a decision has been reached on a person's homelessness application.
65. Where there is a need to visit an applicant or make further enquires to confirm an applicant's circumstances, any band will be awarded will be provisional pending that visit or confirmation of circumstances.

### **Online Security**

66. On registration, applicants will be required to provide a username and password which they will use to login to the service. Applicants should take responsibility for choosing a secure password and keeping this private.
67. If an applicant forgets their password, this can be reset from the Oldham Council website. Password reset/reminder information will be

sent to the e-mail address of the main applicant, for this reason it is important that all applicants provide their own e-mail address.

68. The Council or any landlord partners will never ask an applicant for their username and password.

### **Registration**

69. The Council will aim to process applications and decide on eligibility, qualification and priority as quickly as possible. In order to assist this process, every applicant should answer each question on the online application form accurately and fully and provide evidence of his/her immigration status and nationality, including identity of all others to be rehoused in the same household.
70. All applicants will be required to provide the following documents:
- Proof of identity and residence for all persons included on the application. The following provide acceptable proof of identity: passport, identity card (issued to certain foreign nationals), photo driving licence, birth certificate or written confirmation from a professional person or support agency.
  - Proof that they are still eligible persons.
  - Proof of current address.
  - Proof of income.
  - Other documentation as appropriate.
71. Evidence of antisocial behaviour and outstanding housing debts will be checked and include police checks where applicants have indicated an 'unspent' conviction.
72. Landlord references (current / previous) will be sought where the applicant has held a private or social housing tenancy.
73. Once an application for accommodation has been submitted the Council will:
- Confirm receipt of the application within 20 working days.
  - Allocate a banding to the application within 15 working days following registration or, if a homeless applicant, once a decision has been reached on a person's homelessness application. N.B. where there is a need to visit an applicant or make further enquires to confirm an applicant's circumstances, any band will be awarded will be provisional pending that visit or confirmation of circumstances.
  - If there is a need to visit an applicant, or an interview needs to be arranged to clarify details contained on the form, arrangements will be made within 10 working days of receipt of the application.
  - Confirm any final banding in writing within 10 working days of any such interview, visit or the completion of further enquiries.

74. The service standards for housing applicants are set out in Appendix 4.

### **Change of circumstances or details**

75. Applicants must notify the Council when there is a relevant change in their circumstances using the form provided on Oldham Council's website. The Council will make any necessary amendments to their application within 10 working days of the form being submitted.
76. Relevant changes include, but are not limited to:
- Changes of address for themselves or any person on their application.
  - Changes to contact details including e-mail address, mobile or landline phone numbers
  - Any additions to the family.
  - Any other person(s) they would wish to joint the application N.B. it is for the council to decide whether they will allow a person(s) to join the application.
  - Any member of the family or any other person on the application who has left the accommodation.
  - Improved or worsening housing conditions.
  - Any change in income or savings.
77. Appropriate action will be taken based on how an applicant's circumstances have changed. This may include changing an applicant's priority banding or eligibility for a particular type of housing such as sheltered housing. Applicants will be removed from the Housing Needs Register if they are no longer eligible for housing or it is decided that they are not a qualifying person.
78. Applicants who have had a change of circumstances and have not informed the Council may have their application suspended whilst an investigation takes place. If following investigation an applicant is found to have made a false or deliberately misleading statement in connection with their application, it is possible, depending on the circumstances, that the council will decide that they are not a qualifying person or their priority within this allocation scheme may be reduced.

### **Renewal of applications**

79. Every 12 months after registration, The Council will contact each applicant asking if:
1. The applicant wishes to remain on the Housing Needs Register.
  2. There has been any change of circumstance.
  3. The applicant still wants the same type of housing.
  4. The applicant needs additional help and support.
80. Applicants will be given 28 days to reply.



81. If there is no reply within 28 days, the case will be reviewed, and the application may be removed from the Housing Needs Register. The review will consider if further attempts should be made to contact the applicant or whether other action should be taken. This may include providing additional help or support to the applicant, updating information on the Housing Needs Register or changing the priority banding.

### **Cancellation of applications**

82. Applications may be cancelled for one or more of the following reasons:
- An applicant requests cancellation by writing to Oldham Council at Housing Options, Room 310, Civic Centre, West Street, Oldham, OL1 1UT.
  - An applicant's circumstances change and they are no longer eligible
  - It is decided that an applicant is not a qualifying person.
  - An applicant fails to return a review form.
  - An applicant is found following investigation to have made a false or deliberately misleading statement in connection with their application. In such cases the applicant may be suspended for at least 12 months depending on the seriousness of the false or misleading statement.
  - An applicant has been housed in a secure or assured tenancy by Oldham Council, another local authority or a housing association in or outside the Oldham area.

## **PROVISIONS RELATING TO ALL ALLOCATIONS**

### **Property size eligibility**

83. The Government's Bedroom Standard will be used to assess the property size appropriate for the household. Applicants will normally only be considered for accommodation with a suitable number of bedrooms or bed spaces for their household.
84. The number of bedrooms required by a household may be increased if there is a confirmed reason which absolutely necessitates their having a separate bedroom and their current accommodation is not adequate. Foster carers and households applying to adopt a child may have their bedroom requirement increased if their current home has been deemed to be too small for the addition of a child to the household.
85. When allocating family accommodation, preference will be given to families with children under 16. Households with children who have learning or physical disabilities and are over the age of 16 will be eligible for family accommodation.
86. Under-occupancy may be considered where there are overriding health, care, welfare or social circumstances in exceptional circumstances (e.g. applicants requiring rooms for carers or equipment etc.)
87. Under-Occupancy would normally only be allowed to a maximum of 1 bedroom and would be subject to the affordability assessment.
88. Where a property is not successfully allocated to an applicant needing that size of home the landlord may consider under-occupying the property.
89. Where this occurs preference will be given to applicants who have sufficient financial resources to pay the rent and are:
  - Receiving care or support and need an extra room for care needs/equipment
  - Of pensionable age with a requirement for an extra bedroom
  - Parents with access to children in the custody of others subject to the affordability assessment
  - Other applicants who can evidence a real need for an extra bedroom who can also evidence they can afford to pay the rent

### **WorkingXtra**

90. This Allocations Scheme seeks to recognise and reward those who work or who make a contribution to the community. This approach is not only aligned with the Council's cooperative values but is also supported by national policies focussed on supporting hard working families, and statutory guidance for housing allocations.

91. In accordance with the Right to Move statutory guidance at least 1% of annual vacancies will be advertised with additional priority for out of borough applicants who qualify for WorkingXtra as one or more members of the household meets the definition of working provided. Where there are no suitable applicants who meet the workingXtra criteria the offer will be made to the next suitable applicant.

92. WorkingXtra is a measure of applicants' commitment and contribution to Oldham. To qualify for WorkingXtra status, at least one member of the applicant's household must be working, volunteering, taking part in approved training or acting as a carer. These are defined as follows:

93. **Working** - this is defined as working for at least 16 hours / week. At least one adult household member must have been employed for at least six months. For the purposes of this policy, employment can mean a permanent contract, working as a temporary member of staff or being self-employed. Proof will be required, e.g. contract of employment, payslips, P60, bank statements, verifying letter on headed paper.

94. **Approved training** – at least one adult household member must be taking part in approved work-related training. The following are examples of approved courses:

- Modern apprenticeship
- NVQ levels 1, 2 and 3

Proof of enrolment, attendance, satisfactory progress, etc. will be required.

95. **Volunteering** – this is defined as carrying out voluntary activities for a minimum of 16 hours / month with an approved organisation. The following types of organisations are approved:

- A constituted tenants / residents organisation registered with Oldham Council or a Registered Provider
- A registered charity
- A not for profit organisation

The qualifying person must have been carrying out voluntary activities for at least six months. Proof will be required, e.g. verifying letter on headed paper.

96. **Registered carer** – where the applicant (or someone in the applicant's household) caring for another member of the household.

Verification for all WorkingXtra priority will be sought at point of application for applicants on the Housing Needs Register and at point of offer for all other applicants for WorkingXtra properties.

97. The 'WorkingXtra' criteria will be reviewed each time the Allocations Scheme is reviewed.

## **Local Lettings Policies**

98. Registered Providers may develop local lettings policies for certain neighbourhoods to address specific local issues and/or to help to build sustainable communities. Properties which are subject to a local Lettings Policy will have additional criteria applied in relation to the applicants who are eligible to apply for the property.
99. The Council will make the decision about whether to implement a Local Lettings Policy. Any decision to implement a local lettings policy will always take into account the implications for equal opportunities and the need for the council's scheme overall to meet the allocation needs of those owed a Reasonable Preference. Local lettings policies will be subject to review at least every 12 months, or more frequently if required. The review will consider whether the policy is still relevant and effective.
100. The Council reserves the right to apply any criteria to local lettings policies whilst meeting the statutory duty for Reasonable Preference.

### **Applications from and allocations to board members, staff members and councillors**

101. In order to ensure that the council is seen to treat all applicants fairly, the application form will ask the applicant to identify any applicant or member of the applicant's family who is an:
  - Elected member of Oldham Council.
  - Employee of the council or any Registered Provider operating in Oldham.
  - Board member of the Council or any Registered Provider operating in Oldham.
102. Family members are defined as anyone who shared a legal or blood bond. Legal bonds include marriages, civil partnerships, adoptions, and guardianships. Blood bonds exist between individuals who are directly related through a common ancestor. This includes both close and distant relatives such as siblings, parents, grandparents, aunts, uncles, nieces, nephews, and cousins.
103. Applications to the Housing Needs Register from those who meet the criteria above and who have Reasonable Preference will be assessed in the normal way, but registration, eligibility, qualification, and the assessment of Reasonable Preference will require the approval of two senior officers employed by the landlord.
104. Any allocation of accommodation to those with or without Reasonable Preference will require the joint approval from a senior officer of the relevant Registered Provider and the Director of Economy.

## **Applicants in prison or on remand**

105. Applicants with Reasonable Preference already registered on the Housing Needs Register, who are then sent to prison or placed on remand, will be able to remain on the Housing Needs Register, but their application will be suspended. They will be advised to contact the Housing and Advice Service with confirmation of the date of their release from custody or remand to enable their records to be updated. Applicants can actively bid for properties up to 56 days before their release.
106. Eligible applicants with Reasonable Preference not previously registered on the Housing Needs Register, who wish to apply from prison or a remand centre may do so. Their application will remain suspended until the date of their release is established. 56 days before their release date the application will be fully approved on the Housing Needs Register and they will be able to bid for homes and may be eligible for an offer of accommodation.
107. Applicants without Reasonable Preference can bid for homes up to 56 days before their release date.
108. If an applicant will be homeless or threatened with homelessness on their release from custody or remand, they can request an interview with the Housing and Advice Service.

## **Sustainability risk assessment**

109. A Sustainability Risk Assessment will be used to determine if an applicant has the skills and financial means required to manage a tenancy. This may include an affordability assessment. The risk assessment may be carried out before a firm offer of accommodation is made. It is the responsibility of the Landlord offering the tenancy to undertake such checks. The applicant will not be charged for this assessment.
110. If the applicant is considered to be medium or high risk, this does not necessarily deem them unsuitable for housing. Tenancies may be offered subject to specific conditions, such as the requirement to engage in tenancy support either from the Landlord or partner agencies. All conditions are subject to Landlord discretion.
111. In extreme cases applicants may be classed as unsuitable and deemed too high risk to sustain a tenancy. In these cases the reason for the unsuitability will be explained and the applicant will have the right to request a review of the decision by the Landlord.

## **Applicants requiring support**

112. If an applicant has been assessed as needing support to sustain a tenancy and such support is not in place, has been declined or cannot be arranged before the proposed tenancy commencement date, the applicant will be rejected until such support is in place.

## **APPLICANTS WITH REASONABLE PREFERENCE**

### **The Housing Needs Register**

113. While there is no statutory requirement to maintain a Housing Needs Register, the council believe that there are significant benefits to operating a Housing Needs Register.
114. An applicant's eligibility to join the Housing Needs Register will be kept under review. For example, if new information about an applicant's circumstances becomes apparent it may alter an applicant's priority for rehousing or their eligibility for the Housing Needs Register.

### **Ineligibility to join the Housing Needs Register**

115. There are some circumstances in which an applicant may not be eligible to join the Housing Needs Register regardless of their eligibility for an offer of social housing, qualification to join the scheme and housing need. These are described below

- a) Non-compliance with any current or former tenancy agreement

This applies where the council is satisfied, on the basis of reasonable evidence, that an applicant (or a member of their current or prospective household) has:

- Abandoned a previous tenancy.
- Failed to maintain any current or previous social or private sector rented property within the terms of their tenancy agreement.
- Has committed acts causing or likely to cause nuisance or annoyance to their neighbours or others in the locality where they live or where they have previously lived.

116. Ineligibility for the Housing Needs Register will apply until the applicant (or a member of their prospective household) has demonstrated to the satisfaction of the council that their behaviour has improved significantly. In some cases, this will involve co-operating with support agencies. In most cases an applicant will be considered to be eligible to join the Housing Needs Register where there has been no cause for complaint or concern against the applicant (or members of their prospective household) for a reasonable amount of time.

117. b) No local connection

In most cases applicants who lack a local connection to Oldham will be ineligible to join the Housing Needs Register. Local connection with Oldham will be assessed under the definition contained in section 199 of the Housing Act 1996.

118. For the purposes of determining local connection, living in Oldham means living in permanent accommodation and will not include:
- Occupation of a mobile home, caravan or motor caravan which is not placed on a residential site.
  - Occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday.
119. There are exceptions to the exclusion of applicants with no local connection from the Housing Needs Register. Applicants without a local connection but has a recognised housing need will be eligible for the Housing Needs Register if they:
- work in Oldham
  - are in a work-related training placement in Oldham
  - are volunteering or supporting a vulnerable family member in Oldham
  - are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
  - family members who have been resident in the district for a period of at least five years at the date of application from homelessness assistance
  - Are bereaved spouses or civil partners of those serving in the regular forces where (i) 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 (ii) the death was wholly or partly attributable to their service
  - existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service
  - have been determined as being owed the full homelessness duty by the council under section 193 (2).
120. c) Deliberate worsening of circumstances
- The Council will make a decision based on the circumstances of any individual case of an applicant deliberately worsening their circumstances in order to gain priority for housing, and where appropriate may decide to exclude the applicant from the Housing Needs Register.
121. Applicants who are ineligible to join the Housing Needs Register for the reasons described can ask for their details to be included on the Mailing List in order to be considered for other products from the landlords, e.g. private rented, shared ownership.

## **Removal of applications**

122. If, at any stage, the applicant refuses a reasonable offer of accommodation the application will initially be downgraded to Band 4 for 12 months. After the 12 months their application will be not automatically re-instated but an assessment of their housing need will be carried and they will be awarded a priority based on their circumstance at that time of the new assessment. If during the 12 months, the applicant(s) refuses another reasonable offer, their application will be removed from the Housing Needs Register for a period of 6 months.
123. Applications may also be removed from the Housing Needs Register for one or more of the following reasons:
- An applicant requests removal
  - An applicant's circumstances change and they are no longer eligible for social housing
  - An applicant is no longer in housing need
  - It is decided that an applicant is not a qualifying person
  - An applicant is found following investigation to have made a false or deliberately misleading statement in connection with their application. In such cases the application may be removed from the Housing Needs Register depending on the seriousness of the false or misleading statement
  - An applicant is not eligible for the Housing Needs Register.
  - An applicant has been housed in a secure or assured tenancy by Oldham Council, another local authority or a housing association in or outside the Oldham area
  - An applicant has failed to bid for suitable properties which were advertised over a 12 month period.

## **Awarding priority**

124. The assessment of housing need will be carried out and where the case involves a medical or disability assessment, the applicant will be asked to complete a self-assessment questionnaire as part of the online registration process. In assessing priority under Reasonable Preference, the questionnaire will be reviewed by the Community Occupational Therapy team or other relevant health care professional and further assessment requested as required.
125. In order to assess an applicant's place on the Housing Needs Register, the council uses a needs-based banding system, summarised in appendix A of this policy. The bands are awarded to reflect housing need, whereby the needs included in the highest band reflect the greatest need for housing. Waiting time will be used as the criteria to prioritise applicants that fall into each band. This principle applies to all bands in the Housing Needs Register. There may be exceptional circumstances where allocations are made outside of waiting time, for example, when allocating heavily adapted homes the applicants whose needs are best met by the property may be made an offer.



126. A priority band will be awarded after the applicant's housing need has been assessed. The priority band reflects individual circumstances and housing need and gives priority in terms of rehousing. An applicant's position within their allocated band will be determined by the date they were registered for that band.

### **Allocating homes**

127. Most applicants on the Housing Needs Register will be able to bid for any suitable accommodation available through the Choice Based Lettings System on Oldham Council's website.
128. Shortlisting of applicants for a property advertised will be based on the priority of bids received, with Band 1 applicants having the highest priority and Band 4 applicants having the lowest priority. Where a property may be advertised as available for letting to a specific band or group only, the letting will be made to the bidder with the earliest registration date in that group.
129. If bids for properties are received from applicants in the same priority band, then the person who has been registered longest in that band will be offered the property. If two or more applicants were awarded priority on the same date, then the home will be awarded to the applicant with the earliest registration date. If two or more applicants have the same priority and registration date, the allocating landlord will take all relevant factors into account in deciding which applicant should get the offer.
130. Where a property is adapted for use by a disabled person, the property will be offered to the applicant with the highest priority whose needs best match the facilities of the particular property. Where a particular property has been purpose-built or specially adapted, the council in consultation with the Community Occupational Therapist may make a direct offer or bid specifically on behalf of applicants whose needs can be best met by the property.
131. Some properties may be offered through Direct Matching (see paragraph 138).
132. Applicants on the Housing Needs Register will be expected to bid for suitable homes without any intervention or assistance for 6 months following their date of application.
133. After the initial 6 months, if no suitable offer of accommodation has been made the Council will offer to intervene to assist the applicant to obtain a suitable offer. FCHO will provide automated bidding or direct matching.
134. The type of assistance provided will be selected at the discretion of the Council and will take into consideration the needs and circumstances of the applicant.

135. Applicants who require specialist housing (heavily adapted homes, sheltered accommodation, supported housing or Extra Care) will be assisted to find a suitable home from the date their application is fully assessed and placed on the Housing Needs Register. The Council will provide automated bidding or direct matching to help these applications to find a home which meets their needs. Specialist housing will be available exclusively to those with housing need. Decisions to allocate specialist homes will be made jointly between the Registered Provider and Council.
136. In the main Extra Care Housing will be allocated following an assessment of medical and social care needs and will not be advertised through the Council's Choice Based Lettings System.
137. There may be other circumstances in which applicants are assisted to find a suitable home, such as by direct matching. These include, but are not limited to:
- Circumstances where either there is an urgent and immediate need to move due to a risk to the applicant or where there would be a risk to the applicant by being required to take part in the bidding process
  - MAPPA or other high risk offenders
  - Applicants who are statutory homeless and owed a full housing duty under sections 190(2), 193 (2) or 195 (2) of the Housing Act 1996 as amended by the Homelessness Act 2002
  - Homes that are suitable for adaptation for an identified customer with a disability and it has not been possible to identify an existing suitably adapted property
138. All applicants will have their circumstances verified prior to an offer being made to confirm their eligibility, qualification, suitability and their priority for social housing. They may also be required to pass a Sustainability Risk Assessment. If the applicant with the highest priority is not suitable for the property or refuses an offer the landlord will contact the applicant with the next highest priority on the shortlist. If no suitable tenant is identified the landlord will advertise the property to households on the Mailing List.

### **Mailing List**

139. Households who do not have a recognised housing need but may be interested in other housing products from social landlords, such as shared ownership, private rented, etc. will be able to register their details with the council to receive details of such products. Landlords in the Common Allocations Framework who fail to let any of their social housing properties via Oldham Council's website will be able to advertise these properties to the households on this mailing list.

### **Direct matching**

140. As described previously, some properties will be allocated by directly matching the accommodation with an applicant whose housing needs

and circumstances can be suitably met by the property available. These homes will not be advertised. An officer will assess the type of accommodation and will identify an applicant on the Housing Needs Register whose housing requirements can be adequately met by the property, and will make an offer of accommodation directly to the applicant. The Council reserves the right to make as many direct offers as it thinks fit to meet the needs of households on its Housing Needs Register. However, the council will ensure that the number of direct offers remains a small fraction of total lets per annum. The majority of properties will continue to be let through its Choice Based Lettings scheme.

### **Reasonable offers**

141. Applicants will be entitled to 1 reasonable offer of a home advertised on Oldham Council's website. Where an offer is refused the offer will be assessed to establish whether or not it was reasonable. In considering whether an offer of accommodation is reasonable the factors taken into consideration will include (but are not limited to):
- Whether the accommodation is of a suitable size and type for the household.
  - Travel distance/time to key locations such as schools, work etc.
  - Whether the location of the property increases the risk of racial harassment or domestic abuse.

## REASONABLE PREFERENCE IN DETAIL

### Reasonable Preference summary

143. Applicants with Reasonable Preference who are eligible and qualify for housing (see paragraphs 29 – 31) will be eligible to apply to join the Housing Needs Register. Reasonable Preference is defined by the 1996 Housing Act, amended by the 2002 Homelessness Act. Some applicants may be excluded for the reasons described in paragraphs 36 - 38.

The following tables summarise the criteria for each of the Bands on the Housing Needs Register.

<b>Band 1: Reasonable Preference Plus Additional Preference</b>
Applicants with a very serious medical need for immediate rehousing or awaiting discharge from hospital, residential care and with no suitable accommodation to move back to.
Applicants need to move urgently because of a life threatening illness or sudden disability which are exacerbated by their current housing situation.
Applicants in severe overcrowding, according to the Bedroom Standard, which poses a serious health hazard. Severe overcrowding is where the household occupies accommodation which is 3 or more bedrooms shorter than which the household is eligible for.
Urgent priority would be awarded to households where there's exceptional need to move, including <ol style="list-style-type: none"> <li>1) High risk victims of domestic abuse who are subject to a MARAC as part of an agreed safety plan.</li> <li>2) Applicants suffering extreme violence, race hate or harassment and can demonstrate that it is not safe for the applicant or household to remain in their current home.</li> <li>3) Where there is serious threat to the well-being of a child and the current accommodation is a contributory factor to the risk.</li> <li>4) Applicants who are subject to a Compulsory Purchase Order or where there is a council decision to include their homes for compulsory purchase, and a voluntary sale has been agreed, or who are council or Housing Association tenants subject to demolition proposals (the effective date of this priority will be the date the council approves the demolition proposals). Accommodation will be offered based on the need of the household at the time they are required to move and not on a like for like basis. Within this group priority will be given those applicants who are the few remaining residents in an area and there are concerns as to their health and safety. Each case will be judged on its own merits, taking into account the scale of the regeneration plans and the need to balance this against the need of the other reasonable preference groups at the time.</li> </ol>

<p>An award of reasonable preference with additional preference will be made following categories of people who fall within one or more of the reasonable preference categories and who have urgent housing needs:</p> <ul style="list-style-type: none"> <li>(a) former members of the Armed Forces</li> <li>(b) serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service</li> <li>(c) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner</li> <li>(d) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service</li> </ul>
<p>Additional preference will be awarded to applicants who occupy a private sector property which has one or more Category 1 Hazard (excluding Overcrowding) under the Housing Health and Safety Rating System (HHSRS), and where a Prohibition Order has been served by the Council, resulting in the applicant(s) losing the use of their home on a permanent basis. Moreover, conditions at the property must present an immediate threat of serious injury to the occupant(s) or be life-threatening.</p>
<p>An applicant will release a social rented house with 3 bedrooms or more by downsizing to a suitable property.</p>
<p>An applicant living in social rented home in Oldham that has been purpose-built / or contains major adaptations for a person with disabilities and where the adaptations are no longer required and there is demand for this type of property from households on the Council's Disabled Persons Register.</p>
<p>Applicants who are unintentionally homeless, or about to be homeless and in a category of housing need and include those where the Council has accepted a full or relief duty.</p>
<p>Applicants who live in accommodation that is intended to provide short-term housing and support and where the support provider confirms that the applicant has satisfactorily completed a programme of intensive housing-related support and is ready to move independent living. This includes young people leaving care.</p>
<p><b>Band 2: Reasonable Preference Plus WorkingXtra</b></p>
<p>Applicant is overcrowded by 1 or 2 bedrooms according to the Bedroom Standard for overcrowding. This category will not be available to any applicants whose overcrowding is reasonably believed by the council to have been brought about intentionally to gain an advantage in terms of rehousing.</p>
<p>An applicant will release a social rented house with 3 bedrooms or more by moving to a 1 or 2 bedroom non-family property i.e.</p>

sheltered flat or bungalow, Extra Care, general needs multi-story flat, maisonette, etc.
Applicants who occupy a flat above the 4 <sup>th</sup> floor and with children 16 years old or younger. Each case will be reviewed individually, taking into account the landlord's current policy of children living at height.
An applicant's current housing is unsuitable due to severe medical reasons or their disability (this includes people with a learning disability as well as those with a physical disability) but the present accommodation does not cause serious barriers to their day-to-day activities or whose life is not at risk of due to their current housing but their current home directly contributes to causing serious health risk.
Applicants who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or to others. This category includes applicants who need to move to provide or receive care or support from others. The person receiving care or support would be expected to be eligible for Attendance Allowance or for services to be provided through Supporting People or Social Services.
Applicants need to move due to ill-health related to old age or disability related to old age if their housing is inadequate.
Applicants who are have been approved to adopt or those being assesses for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who has previously looked after by the council.
Applicants who are private sector tenants and the council's public health team has decided that their property poses a category 1 hazard under the health and safety fitness rating and the council is satisfied that the problem cannot be resolved by the landlord within six months and as a result of continuing to occupy the accommodation will pose a risk to the applicant's health.
The council has accepted a s195(2) Prevention Duty towards the applicant
The council has made a decision that the applicant is homeless, but not in priority need
<b>Band 3: Reasonable Preference Only</b>
Applicant is overcrowded by 1 or 2 bedrooms according to the Bedroom Standard for overcrowding. This category will not be available to any applicants whose overcrowding is reasonably believed by the council to have been brought about intentionally to gain an advantage in terms of rehousing.
An applicant will release a social rented house with 3 bedrooms or more by moving to a 1 or 2 bedroom non-family property i.e.

sheltered flat or bungalow, Extra Care, general needs multi-story flat, maisonette, etc.
Applicants who occupy a flat above the 4 <sup>th</sup> floor and with children 16 years old or younger.
An applicant's current housing is unsuitable due to severe medical reasons or their disability (this includes people with a learning disability as well as those with a physical disability) but the present accommodation does not cause serious barriers to their day-to-day activities or whose life is not at risk of due to their current housing but their current home directly contributes to causing serious health risk.
Applicants who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or to others. This category includes applicants who need to move to provide or receive care or support from others. The person receiving care or support would be expected to be eligible for Attendance Allowance or for services to be provided through Supporting People or Social Services.
Applicants need to move due to ill-health related to old age or disability related to old age if their housing is inadequate.
Applicants who are have been approved to adopt or those being assesses for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who has previously looked after by the council.
Applicants who are private sector tenants and the council's public health team has decided that their property poses a category 1 hazard under the health and safety fitness rating and the council is satisfied that the problem cannot be resolved by the landlord within six months and as a result of continuing to occupy the accommodation will pose a risk to the applicant's health.
The council has accepted a s195(2) Prevention Duty towards the applicant
The council has made a decision that the applicant is homeless, but not in priority need
<b>Band 4: Reduced Priority for Applicants Owed Reasonable Preference</b>
Where the council has found an eligible applicant has priority need but is homeless intentionally.
Where the total housing-related debt is £500 or more but less than £1,000, the application will normally be registered and placed in the low band until the applicant has made payments towards the debt at an agreed level for at least 12 consecutive weeks. When the

<p>applicant has made payments for at least 12 consecutive weeks, they should contact the Council and request that their priority is reviewed.</p>
<p>Where the applicant has refused a reasonable offer of tenancy, their application will be placed in band 4 for 12 months. If during these 12 months the applicant refused another suitable offer then their application will be suspended for 12 months. If no offer has been made/refused in the 12 months then the applicant will need to submit change of circumstances and band will be awarded from this date.</p>
<p>Cases where the applicant qualifies for Reasonable Preference but he or she or a member of their household is considered to be guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant (but not serious enough to decide that they are not a qualifying person) and at the time of application for housing they are still considered to be unsuitable to be a tenant by reason of that behaviour, but where the council believes that the applicant or member of their household is prepared to take action to address that behaviour. In such cases, the council will award no preference at all until they have through their actions improved the behaviour to the satisfaction of the council.</p>
<p>Owner occupiers who have Reasonable Preference and are applying for General Needs housing and have an equity level above the defined threshold – see paragraph 198.</p>
<p>Any applicants who have Reasonable Preference are applying for General Needs housing whose assets or income are above the threshold – see paragraphs 198- 200.</p>

144. Within the bands priority between applicants will be in date order according to the date when priority was awarded. Where two or more applicants were awarded priority on the same date, priority will be determined by the date of their housing application.

### **Reasonable Preference criteria**

145. The following criteria details when someone would qualify for statutory Reasonable Preference under the Oldham allocations scheme. Each of the statutory Reasonable Preference categories is set out below, together with how Oldham will assess whether an applicant will qualify under each specific Reasonable Preference category. There are also details of how Oldham will deal with allocations to persons of particular descriptions not within a category of statutory Reasonable Preference.

### **Reasonable Preference for homeless applicants**

146. Reasonable Preference category (A) – people who are owed a duty by any local housing authority under sections 189B(2), 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or



who are occupying accommodation secured by any such authority under section 192(3).

147. All applicants will receive Band 1 priority to reflect their Reasonable Preference if they are homeless, in priority need and owed any duty under sections 189B(2), 190(2), 193(2) or 195(2) of the Housing Act 1996 as amended.
148. Applicants who qualify under Reasonable Preference category (A) include:
  - A person who is in priority need and unintentionally threatened with homelessness and the council has accepted that it owes an applicant a full duty under section 195(2) as being threatened with homelessness in the next 56 days.
  - A person who has become homeless, and the council has accepted that it owes an applicant a relief duty under s189B(2)
  - A person who has been accepted as being owed a full homeless duty under section 193(2), i.e. those who are deemed homeless, in priority need and unintentionally homeless.
  - A person who is owed a section 190(2) duty that has been assessed as being in priority need but is intentionally homeless and is owed the s189B(2) relief duty. Band 1 priority for this last group is only awarded for the period of time the duty is owed. After this time period has elapsed, Band 1 priority will be removed and the applicant will receive a priority in line with their assessed need.
149. Reasonable Preference category (B) – people who are homeless (within the meaning of Part VII of the 1996 Act)
150. All applicants that fall into Reasonable Preference group B will be granted Band 4.
151. Applicants may qualify under Reasonable Preference category (B) if they are:
  - Rough sleepers
  - Those who have no accommodation at all where they can live along with other family members who normally live with them, or family members that the council decides might reasonably be expected to live with them.
  - Those who have accommodation but where in the council's opinion it would not be reasonable for them to continue to occupy it
  - Those that have accommodation but they cannot secure access to it or, in the case of a movable structure like a caravan, there is no lawful place they can live in it.
  - Those who have made a homelessness application and have been determined by the council to be homeless but have been found to be intentionally homeless and are no longer owed the

s189B(2) relief duty (normally 56 days) following a decision of intentional homelessness.

152. The council will award additional preference for members of this group where:
- An applicant has children, is pregnant or is a single person who would be likely to be found to be in priority need due to vulnerability and
  - The council considers that they will be physically homeless within 56 days and has accepted the s195(2) prevention duty and
153. After that six month period their priority will be reviewed if they have not been successful in securing a tenancy.
154. Where a statutory homelessness application has been made and the applicant has been found to be owed the s189B(2) relief duty, they will be awarded Band 1 status under Reasonable Preference category (A) below and will not be awarded Band 4 Reasonable Preference under Reasonable Preference category (B).

#### **Reasonable Preference for unsatisfactory housing conditions**

155. Reasonable Preference category (C) - people occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
156. All applicants that are determined as being owed Reasonable Preference in this group will be granted Band 1 status depending on the severity of their housing need.
157. Reasonable Preference resulting in Band 1 status will be awarded for:
- A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004.
  - Applicants who are subject to a Compulsory Purchase Order where there is a council decision to include their homes for compulsory purchase, and a voluntary sale has been agreed, or are council or housing association tenants subject to demolition proposals. The effective date of this priority will be the date the council / housing association approves the demolition proposals.
  - Applicants who are living within an overcrowded household in such circumstances needs at least 3 more bedrooms than it has and an allocation would mean that the overcrowded household will either cease to be overcrowded or overcrowding will be alleviated. This category will not be available to any applicants whose overcrowding is reasonably believed by the council to

have been brought about intentionally to gain an advantage in terms of rehousing.

- Applicant will release a social rented house with 3 bedrooms or more by moving to a 1 or 2 bedroom non-family property i.e. sheltered flat or bungalow, Extra Care, general needs multi-story flat, maisonette, etc.

158.

Reasonable Preference resulting in Band 2 (under category C) will be awarded for:

- The applicant is a private sector tenant and the council's housing implementation enforcement team has decided that the property poses a category 1 hazard under the health and safety rating and the council is satisfied enforcement action is unlikely to resolve the problem within six months and as a result, continuing to occupy the accommodation will pose a risk to the applicant's health and / or safety. The assessment of all cases under this criterion will be carried out by taking advice from of the council (or any other council if the property is outside the Oldham area).
- Applicants who are living within an overcrowded household in such circumstances needs 1 or 2 more bedrooms than it has and an allocation would mean that the overcrowded household will either cease to be overcrowded or overcrowding will be alleviated. This category will not be available to any applicants whose overcrowding is reasonably believed by the council to have been brought about intentionally to gain an advantage in terms of rehousing.
- Applicants who lack access to any of the following: a bath or shower, a toilet, running hot water, electricity / gas needed for essential activities, where access is unlikely to be achieved within a reasonable time and lack of access is through no fault of the applicant.

159. Applicants whose housing conditions or level of overcrowding mean that it is not reasonable for them to continue to occupy their overcrowded accommodation and as a result they are owed a statutory duty under section 193(2) of the Housing Act 1996 will be awarded Reasonable Preference for statutory homeless duty under Reasonable Preference group B rather than under this group C.

Before any priority banding is awarded to reflect the poor condition of an applicant's property, enquiries will be necessary to establish if the applicant has explored all reasonable avenues to effect essential repairs or improvements, or by contacting the landlord responsible for maintaining the property with a view to getting repairs completed, etc.

160. Liaison between officers from the Housing Advice Service and the Housing Strategy Team will necessarily remain an integral part of this process. Private Sector Enforcement Officers will advise both applicants and allocations staff on the specific options available to a household living in unsatisfactory conditions.

161. The award of a banding status can only be allocated after consultation and liaison with a Private Sector Enforcement Officer to ensure a consistent approach. The Private Sector Enforcement Officer will make recommendations regarding priority.
162. Overcrowding will be assessed by comparing a household's bedroom needs (in accordance with the Bedroom Standard) against the bedrooms which are available to them in their current accommodation.
163. The level of overcrowding is determined by the number of bedrooms available to the applicant in their current property. A bedsit is considered to have one bedroom and one bed space.
164. Enquiries will be necessary to establish the reasons for and likely duration of any overcrowding before any priority banding status is awarded.

### **Reasonable Preference for medical or welfare grounds**

165. Reasonable Preference category (D) – people who need to move on medical or welfare grounds (including grounds relating to a disability)
166. Reasonable Preference category (D) includes any applicant for accommodation whose health, disability or welfare, or that of a member of their household, is significantly impaired by remaining in their current accommodation and there is a need to move as a result.
167. All applicants assessed as owed Reasonable Preference for medical, disability or welfare grounds will be granted emergency, Band 1 or 2 priority, depending on the severity of the impact of their housing on their condition.
  - Medical or disability grounds – Reasonable Preference is awarded following an assessment of an applicant's need to move due to medical or disability needs. More serious cases may be referred to the Community Occupational Therapy Team for a recommendation
  - Priority will be given depending on how unsuitable the current accommodation is in relation to the applicant's medical, welfare or disability needs. The assessment is not of the applicant's health but how their accommodation affects their health or welfare. Only in exceptional cases will the detrimental effect on health or welfare be caused by the location of the accommodation itself rather than the physical condition or nature of the accommodation occupied. Such exceptional cases which attract Band 1 priority will be considered by the Allocation Review Panel.

### **Medical and disability issues**

168. An applicant who has an urgent need to move for very serious medical problems or disability will be awarded Reasonable Preference and additional preference and placed in Band 1.
169. The following are examples of cases that would qualify for Band 1 status under the Reasonable Preference categories linked to medical, welfare and disability needs:
- Where an applicant's condition is expected to be terminal within a period of 12 months and rehousing is required to provide a basis for the provision of suitable care.
  - A member of the household seeking accommodation cannot be discharged from hospital or rehabilitation accommodation until suitable housing is provided and the household had settled accommodation in the Oldham area prior to hospital admission.
  - The condition is life-threatening and the applicant's existing accommodation is a major contributory factor.
  - The applicant's health is so severely affected by the accommodation that it is likely to become life-threatening.
  - A member of the household is elderly, disabled or has a progressive illness and is likely to require admission to hospital or residential / nursing care in the immediate future and rehousing would enable that person to remain living at home.
  - People who are completely housebound because of the type of accommodation they live in.
170. An applicant who has a need to move for medical reasons or disability and where rehousing will significantly resolve the problems will be awarded Reasonable Preference and placed in Band 2 or 3.
171. The following are examples of cases that would qualify for Band 2 status under the Reasonable Preference categories linked to medical, welfare and disability needs:
- The applicant is unable to mobilise in their accommodation and cannot access and use basic facilities such as bathroom and bedroom and requires rehousing into accommodation suitable for their use.
  - The applicant's accommodation is directly contributing to the deterioration of the applicant's health (such as a severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation).
  - Where overcrowding in the property leaves the applicant at risk of infection (such as where an applicant is undergoing chemotherapy).
  - Children with severe conditions such as autism or cerebral palsy where their long term needs cannot be met without settled accommodation.
  - A person whose accommodation requires substantial adaptations to a property which is cannot be provided for in their current accommodation.
  - A person with a terminal illness or long term debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life

would be significantly improved by moving to alternative settled accommodation where they may or may not be nearer to support.

- Where the applicant or member of the household is experiencing difficulty accessing basic facilities such as toilet and bathroom and requires rehousing to accommodation suitable for their use.
- A member of the household seeking accommodation is disabled, where a minor adaptation or equipment will not resolve the issue and where rehousing will enable that person to overcome physical barriers created by the current accommodation, e.g. steps / stairs.

172. Applicants who have a medical need will be asked to complete medical questions as part of the registration process. This information which will be reviewed by a member of the community Occupational Therapy Team where there is a physical disability or other health care professionals where there is a mental health disability. Further information or assessment may be requested as part of this process.

173. Applicants will only be offered Reasonable Preference if their medical condition or that of a member of their household and ability to access basic necessary facilities is significantly affected by remaining in the accommodation that they occupy and this would improve significantly through a move to alternative housing. This will normally relate to the physical conditions of the property but can occasionally be caused by the location of the property itself. The council believes that where possible re-housing to suitable alternate accommodation rather than major structural adaptation should be considered in the first instance in order to meet the needs of the disabled applicant or member of the household based on an assessment of need from the Community Occupational Therapy Team. This does not replace the right for an assessment under the disabled facilities grant legislation

174. Following assessment, the council will award Band 1, 2, 3 or 4 status.

175. In circumstances where more than one member of the household suffers from a medical condition, the Council will take account of the needs of the household member who scores the most points on the assessment when making a decision.

176. The council may, where appropriate, request a full assessment from the Community Occupational Therapy Team, or take into consideration any additional information requested from relevant health care professionals when making a decision whether to award priority following a medical assessment.

### **Welfare issues**

177. Applicants that qualify for Reasonable Preference on welfare grounds will be those cases that require care and support needs or have other social needs that do not require medical care or support.

178. Applicants awarded immediate Reasonable Preference plus additional preference on social and welfare grounds will be placed in Band 1. This will be awarded to applicants whose current accommodation is inappropriate for their assessed needs and there is an immediate risk of exploitation or abuse, of significant loss of daily living skills or of placement breakdown. In most cases it is expected that a care or support package will be provided to this group of applicants when they are awarded a home.
179. Reasonable Preference for people who need to move on welfare grounds due to age related disability
180. These cases will have their welfare need recognised and Reasonable Preference awarded. An assessment of an applicant's need to move due to age related disability will be made by the Housing Options team taking into account information provided by one or more of the following:
- Occupational Therapy
  - Adult Social care
181. Reasonable Preference for people who are ready to move on from supported housing schemes
182. It is important to note that not all applicants who occupy named supported housing projects will qualify for Reasonable Preference. They must have vulnerability and urgent housing need that is best met by the provision of long term settled housing.
183. All other cases not owed Reasonable Preference under this category will be expected to receive support from the project and the Housing Advice service to move on to either social or private rented accommodation.

#### **Reasonable Preference for people leaving care**

184. The council wants to ensure that young people leaving the care of Oldham Council are helped to access secure and suitable long term housing. Care leavers are awarded Reasonable Preference in this category in line with protocols between Oldham Council's Housing and Children's Services. Applicants must be a former relevant child as defined by the Children Leaving Care Act 2002.
185. The criteria for an award of Reasonable Preference include:
- A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living
  - They possess the life skills necessary to manage a tenancy, including managing a rent account
  - They need at least a medium term support package
  - The support needs have been assessed and the support package is in place

- The applicant's vulnerability is such that accommodation in the private rented sector would through its short term nature have a detrimental effect on their vulnerability

186. As with people leaving supported housing schemes, not all care leavers will qualify for Reasonable Preference. They must have vulnerability and urgent housing need that is best met by the provision of long term settled housing. All other care leavers will not be owed Reasonable Preference under this category and will be expected to be assisted by Children's Services and the housing options service to move on to either social or private rented accommodation.

### **Reasonable Preference for hardship reasons**

187. Reasonable Preference category (E) – people who need to move to a particular locality within the local authority's district, where failure to meet that need would cause hardship to themselves or others.
188. This Reasonable Preference category applied to those who need to move to a particular area of Oldham, where failure to meet that need would cause hardship to themselves or others. The government's code of guidance suggests that people may fall into this category if they need to move in order to give or receive care, access specialist medical treatment, or take up specific employment, education or training opportunities in a particular locality. The need to move should be sufficiently great that it would cause hardship if they did not move, affecting health or leading directly to an inability to take up employment or training opportunities.
189. Since Oldham is geographically reasonably compact with good transport links, Reasonable Preference will only be awarded in limited circumstances. Reasonable Preference priority will not normally be awarded to applicants who claim that they require ongoing support from friends or relatives, unless there is severe mental health, medical or welfare issues relating to the applicant or a member of the applicant's household and exceptional reasons why this support cannot be made available through a reliance on public transport or the applicant's / support giver's own transport. The award of Reasonable Preference on hardship grounds will be made by the Allocations Review Panel.
190. Reasonable Preference on hardship grounds will be awarded to applicants who have satisfied the council that they are fleeing severe harassment or violence from inside or outside the home but have not been accepted as being owed a statutory duty as a result of that violence or harassment. Such applicants will be placed in Band 1.
191. Note – a statutory duty applies if the applicant applies as homeless and a full duty is accepted. Those cases that do not apply as homeless and wish to remain with relatives or friends can be awarded Reasonable Preference under this route without going through the homelessness route.

### **Other awards of Reasonable Preference**



192. Priority will be offered to council and Registered Provider tenants who occupy a specially adapted property but no longer require the adaptations and where the move will free the accommodation for a high need disabled applicant. Such applicants will be awarded Reasonable Preference and placed in Band 1 or 2.
193. Priority will be offered to foster carers and households seeking to adopt a child where their current accommodation is not large enough or is not suitable for the addition of children to the household. Proof from a Children's Services will be required to qualify for this priority. Households meeting these criteria will be placed in Band 2 or 3.
194. If an applicant needs to move for reasons which are not covered by the banding categories but the council recognises that the applicant has a genuine housing need, the Head of Housing Strategy has discretion to award a priority that adequately reflects the applicant's housing need.

### **Policy on reduced preference**

195. In forming this policy, due regard has been given to the requirements to give Reasonable Preference to those categories specified under the Housing Act 1996 as amended by the Homelessness Act 2002.
196. Only applicants who are owed Reasonable Preference will be eligible to join the Housing Needs Register. They will be allocated a band according to the council's allocation priority. Beyond giving additional preference to emergency housing needs, Oldham Council is also allowed to give reduced preference (downgrading) for applicants who fall into one or more of the Reasonable Preference categories but where certain factors apply to their case. This action is allowed under section 167(2A) of the Housing Act 1996 as amended by the Homelessness Act 2002.
197. The Band 4 in Oldham's Housing Needs Register is for applicants who have reduced preference. Oldham Council will apply reduced preference to applicants who are deemed to have the financial resources to resolve their housing needs in the private sector.
198. The council considers that homeowners with at least 30% equity in their home are capable of securing a mortgage on a property valued on lower quartile house price for Oldham.
199. The council will take into account any previous disposals of assets or capital when calculating the financial resources available. This will include disposals for nil (for example, transfer of ownership) or below market value.
200. Irrespective of current tenure, applicants with Reasonable Preference who are applying for General Needs housing, but whose assets are over 30% or household income is £60,000 or more will be placed in Band 4.

201. Reduced preference will be applied to applicants seeking older people's accommodation, specialist adapted or supported housing.
202. The council will review the case at the request of the applicant. If the applicant's circumstances have changed, the council may lift the reduced preference and consider the applicant for the priority band relevant to their housing need.

### **Housing related debt**

203. When assessing applications, the council will take into consideration all housing related debts and this policy applies to all applicants, including:
  - Current or former rent arrears in either a social or private rented home (including temporary accommodation arrears).
  - Damage to a former social or private rented housing property
  - Legal costs arising from court action in connection with a current or former tenancy.
  - Housing Benefit overpayment.

The council does not consider Council Tax as a housing related debt.

204. Where there are housing-related debts, the following procedure will apply
  - Where the total recoverable housing-related debt is £1,000 or more, the council will consider whether it is appropriate to decide that the applicant is not a qualifying person. When the council has decided that an applicant is not a qualifying person because of housing related debt of £1000 or more, the applicant can reapply when the total debt has been reduced below this level or can ask for their case to be reconsidered after such a decision.
  - Where an applicant's recoverable housing related debts includes arrears on 2 or more former tenancies the council will consider whether it is appropriate to decide that the applicant is not a qualifying person. When the council has decided that an applicant is not a qualifying person because he or she has 2 or more former tenancy arrears, the applicant can reapply at a point when he or she has cleared all or all but one of the former tenancy arrears debts or can ask for their case to be reconsidered after such a decision.
  - Where the total housing-related debt is £500 or more but less than £1,000, the application will normally be registered and placed in the low band until the applicant has made payments towards the debt at an agreed level for at least 12 consecutive weeks. When the applicant has made payments for at least 12 consecutive weeks,

they should contact the Council and request that their priority is reviewed.

- Applicants with recoverable housing–related debts who bid for properties will not be successful if they do not keep up with their existing payment plan and will be bypassed if there are other applicants on the shortlist who are either keeping to their payment plan or do not have any housing-related debts. Before an applicant is bypassed for this reason, the landlord considering the applicant for the tenancy will contact the applicant to establish the status of the payment plan and offer the applicant the opportunity to resolve any outstanding issues before the landlord can bypass the applicant. If the applicant is bypassed, the landlord will inform the applicant in writing.
- It is expected that payments towards clearance of housing related debts will be by direct debit.
- An applicant’s banding will be reviewed if new information comes to light regarding housing related debts. The council will consider whether the applicant still owes arrears and if they do, the extent of the arrears.
- Whether there are exceptional circumstances such as medical needs which lead to their being offered accommodation despite the reduced preference for reasons connected to those arrears. For example, failure of a support worker to claim housing benefit on behalf of an applicant who was unable to make the claim themselves.
- Whether the applicant has taken debt advice, acted on it and entered into and begun to implement any arrangement to clear the arrears. Depending on the circumstances of the case, the council may require the debt to be paid in full or to have made a repayment agreement with the creditor landlord and adhered to it for at least 12 consecutive weeks. When an arrangement has been made, the final decision to reinstate an applicant’s full preference will depend on the amount of arrears paid off, any debt outstanding and the regularity of any payments made.

## **ADDITIONAL INFORMATION**

### **Offers to homeless applicants**

205. For cases for whom the council has accepted a full homeless duty under sections 193 (2) or 195 (2) the council is entitled to make a direct offer which will fully end its Part 7 homelessness duty as long as the applicant has sufficient priority for rehousing under the scheme at that date to enable a direct offer to be made.
206. The Council may exercise the powers granted by s.148 of the Localism Act 2011 to end the homelessness duty by making an offer of suitable accommodation in the private rented sector, without requiring the applicant's agreement.
207. Where an applicant owed a full homelessness duty bids for accommodation through the Choice Based Lettings system and their bid is successful, the offer will be the applicant's final offer and will end the council's homelessness duty if it is a suitable offer and is refused. A direct offer of suitable accommodation made by the Council will also end the Council's homelessness duty. An applicant will continue to have a right of review under the homelessness legislation as to the suitability of the accommodation offered.
208. For homeless applicants owed a statutory duty, the offer will always be confirmed in writing stating that this is a final offer that will end the council's duty to the applicant under the homelessness legislation. Any offer will normally last for three working days.
209. Where a property is refused, the Council will make a decision on the suitability of the offer. If the applicant has been accepted as being owed a statutory homeless duty by the council, this duty, subject to a right of review, will have ceased if the property is refused. In such circumstances, an applicant will no longer be entitled to any homeless duty and will be asked to leave any temporary accommodation provided and make their own accommodation arrangements.
210. Whether or not a homeless applicant owed a full homeless duty accepts an offer of accommodation made under the scheme, they have the right to request a review of the suitability of the accommodation they have been offered. Homeless applicants are therefore strongly advised to accept the offer that has been made to them, even if they intend to request a review of its suitability.

### **Older people's housing**

211. Applicants for older people's housing must be:
  - aged at least 55 years or at least 60 years (depending on the property concerned) and / or
  - have a need for supported accommodation due to vulnerability or disability.

Older people's housing will be specifically marked when a property is advertised and clearly indicate the support service charges that are applicable.

### **Serious offenders**

212. It is sometimes necessary to provide housing which will minimise the risk to the community and where supervision of the individual can be maintained. This may also apply to individuals currently living in the community who are considered to pose a risk to themselves and/or others, although they have not been convicted of an offence.
213. The council will work with the police and probation services to assess and manage risk and will apply special arrangements where cases are referred through the Multi-Agency Public Protection Panel (MAPP) or any protocol with probation services. Officers will attend case conferences with the police, probation, adult social care and health professionals. A planned and managed relocation pathway will be agreed. This should include a full discussion of a range of housing options which are most appropriate to a customer's circumstances and supervision needs.
214. This may result in restrictions being placed on the choice of property or area that is open to an applicant or may result in a direct offer of suitable accommodation being made to an applicant at the point where they have sufficient priority under the scheme to receive such an offer.

### **Management discretion – exceptions policy**

215. As far as possible, the council will use the banding system and waiting time within band to allocate accommodation to those with Reasonable Preference. However, the council recognises that there may be exceptional circumstances where the only way an exceptionally urgent housing need can be resolved is through the use of management discretion.
216. The council may exercise discretion in exceptional circumstances. Cases where management discretion may be exercised include:
  - An applicant has an exceptional need that is not covered by the allocation scheme
  - An applicant who would otherwise be ineligible for the Housing Needs Register but whose need for housing is urgent and exceptional.

### **False or withheld information**

217. Under section 171 of the Housing Act 1996, it is a criminal offence when an applicant knowingly or recklessly makes a statement which is false in a material particular, or knowingly withholds information which the authority have reasonably requested him to give in connection with the allocation of housing. An offence is also committed if the applicant

allows a third party to provide false information on his or her behalf or at his or her instigation.

218. If an applicant directly, or through a person acting on his or her behalf, has given false information or withheld information, it could:
- result in it being decided that an applicant is not a qualifying person for unacceptable behaviour described elsewhere in this policy.
  - if appropriate, lead to the council taking legal advice with a view to prosecution.
219. Where there is suspicion or an allegation has been made that a person has either provided false information or has withheld information, the application will be suspended pending the outcome of the investigation.
220. If the outcome of any investigation reveals that they did not provide false information, or the withholding of information was found to be inadvertent, then the application will be reinstated. However, where the investigation shows that false information was provided on the application form or was deliberately withheld, then it may be decided that the applicant is not a qualifying person for unacceptable behaviour described elsewhere in this scheme.
221. Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by section 146 of the 1996 Act) enables the landlord to seek possession of a property where it has been granted as the result of a false statement by either the tenant or a person acting at the tenant's instigation.

### **Confidentiality and requests for information**

222. The fact that a person is an applicant on the Housing Needs Register or has applied for housing will not be disclosed (without their consent) to another member of the public, save where such disclosure is necessary according to law.
223. An applicant will on request be shown and be given a copy of his / her entry on the Housing Needs Register. The council will also, on request from the applicant, provide such information that is practicable and reasonable to supply to explain his / her position and priority on the Housing Needs Register in relation to when an offer of suitable accommodation might be made. An applicant has the right to be informed of any decision about the facts of their case which is likely to be taken into account when considering whether to allocate housing to them.

### **Data protection**

224. All information held is subject to the General Data Protection Regulation. The council will seek the express consent of applicants to share personal information about the applicant and any member of the household.

225. Applicants may request to view information held about them and receive a copy of information held on computer or paper file. A reasonable charge may be levied for this.

### **Information sharing without consent**

226. In exceptional circumstances and irrespective of whether their consent has been obtained, information may be shared about the individual and their history. This may include:
- In accordance with the provisions of the Crime and Disorder Act 1998 (section 115).
  - For the purposes of the prevention or detection of crime and fraud
  - Where there is a serious threat to the applicant or a third party including staff or contractors.
  - Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of their household or a member of staff.

### **Notification of decisions**

227. Where a decision is made which adversely affects an applicant the applicant will be notified of the decision in writing, and the grounds for making the decision. This includes decisions relating to an applicant's eligibility for housing or whether an applicant qualifies under this scheme. The applicant will be informed about the applicant's right to request a review of the decision.
228. Any applicant whose application is given reduced priority / suspended / removed from the register / not registered will be provided with written notification of the decision. This will contain the following information:
1. the reason(s) for the decision
  2. the band their housing circumstances would have warranted and the band that they have been placed in as a result of the council's decision, where appropriate.
  3. the applicant's right to request a review of the decision
  4. what they have to do before the decision can be reconsidered.

### **Reviews**

229. An applicant may request a review of any adverse decision made in relation to their application for housing. A request can be verbal or in writing, stating the reasons why a review is requested and should state the reason(s) for the request. It must be made within 10 working days from the date of decision.
230. An applicant who remains dissatisfied with the decision made on review may request a second review. When a second review is requested later than 10 working days after the first review, the officer

will consider whether there are good reasons for the request being late before deciding whether to undertake a second review of a decision.

231. Applicants who wish to seek a second review must send a written request to Head of Housing Strategy, Housing Strategy Team, Level 3, Oldham Civic Centre, Rochdale Road, Oldham OL1 1UH. This may be requested by the applicant or a person acting on behalf of the person seeking the review. A request can be verbal or in writing.
232. A second review will be undertaken by the Allocations Review Panel. The Panel will consist of three senior officers; one from Oldham Council and two from Registered Providers who are members of OHIP. No officer on the panel should have been involved in previous decisions about the case. A senior officer from another service, such as health or social services, may occasionally attend as an advisor.

### **Complaints**

233. An applicant who is not satisfied with the service they receive may register a complaint under Oldham Council's complaints procedure. Complaints can be made by telephone, in writing or by using the online form found on the Council's website.
234. An applicant who is not satisfied with the outcome of their complaint can continue to contact the Complaints Team at the Council to discuss any on-going concerns.
235. If the response from the council is final, applicants can contact the Local Government Ombudsman (LGO). The Local Government Ombudsman looks at complaints about councils after the complaint has already been investigated and responded to by the council. It is a free service. Their job is to investigate complaints in a fair and independent way. The LGO contact details are;  
The Local Government Ombudsman  
PO Box 4771  
Coventry, CV4 0EH  
Phone: 0300 061 0614 (LGO Advice Team)  
<http://www.lgo.org.uk/>





## Appendix 1

### **Overcrowded, insanitary or otherwise unsuitable accommodation**

The fact that an applicant may be living in a property which is 'technically' unfit for human habitation, e.g. by having inadequate ventilation or lighting, does not necessarily mean that the authority must accept a duty to assist them under the Housing Act 1996 Part V1.

Before any priority banding is awarded to reflect the poor condition of an applicant's property, enquiries will be necessary to establish if the applicant has explored all reasonable avenues to effect essential repairs or improvements, e.g. by contacting the landlord responsible for maintaining the property with a view to getting repairs completed, etc.

Private Sector Enforcement Officers will advise both applicants and the Housing Options Team on the specific options available to a household living in unsatisfactory conditions.

The award of a banding status other than Band 4 can only be allocated after consultation and liaison with a Private Sector Enforcement Officer to ensure a consistent approach. The Private Sector Enforcement Officer will make recommendations regarding priority.

Overcrowding will be assessed by comparing a household's bedroom needs against the bedrooms which are available to them in their current accommodation. The level of overcrowding is determined by the number of bedrooms available to the applicant in their current property. A bedsit is considered to have one bedroom and one bed space.

Enquiries will be necessary to establish the reasons for and likely duration of any overcrowding before any priority banding status is awarded.

In assessing overcrowding it is assumed that a separate bedroom should be allocated to the following:

- A person living together with another as husband and wife (whether that person is of the same sex or the opposite sex)
- All persons over the age of 21, who are not cohabiting
- Two children, whether of the same sex or not), aged less than 10 years
- Two persons of the same sex aged 10 to 20 years
- Two persons of the same sex where one person is aged between 10 years and 20 years and the other is aged less than 10 years
- Any person aged under 21 years in any case where he or she cannot be paired with another occupier of the dwelling so as to fall in one of the above categories

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Second living rooms will not be used when calculating the number of bedrooms which are available for a household's use as households require adequate living space.

The bedroom requirement will be increased if any person within an applicant's household has a confirmed reason which absolutely necessitates their having a separate bedroom and their current accommodation is not adequate, e.g. if a bedroom is required for a registered carer who does not live permanently at the applicant's address but who stays overnight on a regular basis, or if an applicant needs a 'sterile room' for ongoing medical treatment, such as dialysis, or if the size and amount of prescribed equipment required due to their medical condition would not allow for reasonable use of 1 bedroom.

Applicants will only be considered for properties which meet their specific housing need, in terms of property size. The number of actual bed spaces required will be compared with those in a property to ensure that households are only considered for accommodation that meets their established housing need. For example, a three bedroom property may have either 4 or 5 bed spaces, studio flats are only suitable for a single person household.

Where an applicant has access to children (e.g. at weekends / school holidays / part of each week), they will be registered for '1+' bedroom need. They will be eligible to bid for 2 bedroom properties, but will only be considered for them if no-one with a 'genuine' 2 bedroom need bids for the property.

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## **Appendix 2 – Applicants in prison or on remand**

Applicants who have given reasonable preference and already registered on the Housing Needs Register, who are then sent to prison or placed on remand, will be able to remain on the Housing Needs Register, but their application will be suspended. They will be advised to contact the Housing Advice Team with confirmation of the date of their release from custody or remand to enable their records to be updated. Applicants can actively bid for properties up to 56 days before their release.

Eligible applicants not previously registered on the Housing Needs Register, who wish to apply from prison or a remand centre may do so. Their application will remain suspended until the date of their release is established.

If an applicant will be homeless or threatened with homelessness on their release from custody or remand, they can request an interview from the Housing Options Team.

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## Appendix 3 - Local lettings policies

Local lettings policies will be agreed jointly between Oldham Council and the Registered Provider whose stock will be affected. Any request for a local lettings policy (LLP) must provide the following information:

- Extent of area affected by the LLP
- The period of time for which the LLP will be operational
- Analysis of the suitability of the area
- Aims and objectives of the LLP
- Suitability of the eligibility criteria
- Details of the selection process and any additional selection criteria
- Consultation on the proposed LLP
- An equality impact assessment
- Details of how the properties will be advertised and how applications will be verified
- Monitoring and review process
- Any additional considerations

When an LLP is proposed, local elected members and the appropriate portfolio holder will be consulted. The LLP may be amended in the light of this.

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## Appendix 4 - Service standards for housing applicants

- The Council will consider every application received and:
- Make sure the council meets its legal obligations in allocating accommodation.
- Provide free advice and information about the right to apply for accommodation.
- Provide free assistance to applicants who may have difficulty when making an application, including help for any applicant to complete the application form if they need assistance.
- Make sure that any information provided is easy to understand and is readily accessible.
- Outline and explain how the council will offer choice and the ability for applicants to express a preference for an area / areas.
- Provide information to all applicants of what types of accommodation are available throughout the district.
- Provide information about how long an applicant is likely to have to wait before being allotted accommodation.
- Make available to all applicants (and others) who request it a full copy of this allocation scheme. A charge may be made for this.
- Provide a summary of the scheme on request.
- Treat each applicant equally in accordance with their need, regardless of race, religion or creed, ethnic or national origin, disability, gender, sexual orientation or marital status.
- Regularly monitor applicants who apply for accommodation.
- Ensure that all information provided by applicants is treated in strictest confidence. The council will comply fully with the General Data Protection Regulation in relation to all information it holds about applicants registered under the scheme.

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## Appendix 5 – Terms of Reference for Allocations Review Panel

### 1 Purpose

Cases that the Allocations Review Panel (ARP) may consider include (but are not limited) to the following:

- Decisions on what priority (if any) to award to certain types of application, including as:
  - Band 1, 2 or 3 priority for welfare cases, priority on hardship grounds
  - priority for emergency band on medical grounds
  - disabled applicants who are owner occupiers or who have assets / income above the threshold
  - recommend the type of property and any specific facilities required to meet a person's needs
  - recommend that a household needs to live in a particular locality
- Where the existing policy does not cover the circumstances of the case
- Where an applicant has requested a review of a decision relating to their application

### 2 Membership

For decisions on priority, or where the policy does not cover individual circumstances, the ARP will consist of 2 officers – one from the Council and the other from an RP who is a member of the Common Allocations Framework.

For case reviews, the ARP will consist of three senior officers, one from the Council and two from Common Allocations Framework. No officer on the panel should have been involved in previous decisions about the case.

A senior officer from another service, such as health or social services, may occasionally attend as an advisor.

The decision of the Panel will be final.

### 3 Frequency of meetings

The panel will meet as required.

### 4 Decision making

In the most urgent circumstances, decisions can be made by a senior officer from the Council.

## Appendix 6 – Members of the Common Allocations Framework

Provider	Address	Telephone	Website
Oldham Council	Civic Centre, West Street, Oldham OL1 1UT	0161 770 3000	<a href="http://www.oldham.gov.uk">www.oldham.gov.uk</a>
First Choice Homes Oldham (FCHO)	22 Union Street Oldham OL1 1BE	0161 393 7117	<a href="http://www.fcho.co.uk">www.fcho.co.uk</a>
Guinness Northern Counties	3 Argyle Parade Darnhill, Heywood Rochdale OL10 3RY	0845 605 9000	<a href="http://www.ncha.co.uk">www.ncha.co.uk</a>
Onwards	Renaissance Court 2 Christie Way Didsbury Manchester M21 7QY	0300 555 0600	<a href="http://www.onward.co.uk">www.onward.co.uk</a>
Regenda	St Chad's Centre Limegreen Parade Oldham OL8 3HH	0344 736 0066	<a href="http://www.regenda.org.uk">www.regenda.org.uk</a>
ForHousing	2 Fircroft Road Fitton Hill Oldham OL8 2QN	0300 123 5522	<a href="http://www.fourhousing.co.uk">www.fourhousing.co.uk</a>
Housing 21	Housing 21 Units 403 / 404 Chambers Business Centre Chapel Road Hollinwood Oldham OL8 4QQ	0345 604 4447	<a href="http://www.housing21.co.uk">www.housing21.co.uk</a>
Great Places	119 Union Street Oldham OL1 1TE	0300 123 1966	<a href="http://www.greatplaces.org.uk">www.greatplaces.org.uk</a>