



HARTLEPOOL
BOROUGH COUNCIL



HARTLEPOOL HOME SEARCH

A part of Hartlepool Borough Council

Allocation Policy

**Version 1
November 2022**

OFFICIAL

Glossary of Terms

Choice Based Lettings

The system for registering applications and advertising properties.

Advocate

Someone who an applicant has given permission to act on their behalf to deal with their housing application e.g. Support worker, family member.

Applicant

A person who applies to for housing on the lettings scheme.

Band

The system used for giving priority for housing.

Bidding

An applicant expressing an interest in an advertised home.

Effective Date

The date when an applicant was awarded a priority band.

Housing Register

A single list of all the applicants who have registered for rehousing.

Local Connection

Connections to a local authority area because of residency, employment, close family or a main source of support.

Nominate

This agreement details how the local authority and registered providers will co-operate and work in partnership via a Nomination Agreement to help people in housing need and to prevent homelessness.

Non-qualifying

Someone who is not allowed to register with the scheme due to their behaviour or the behaviour of a member of their household.

Reasonable Preference

The phrase used in the Housing Act to describe those types of housing need that should be given priority in a local authority's allocations policy.

Registration Date

The date the application is received.

Registered Provider

A housing association or housing company registered with the Regulator of Social Housing.

Section 1 – Introduction and Background

1.1 Aims and Objectives

This policy has been developed by Hartlepool Borough Council and sets out the allocation policy through the Hartlepool Home Search Choice Based Lettings Scheme. Hartlepool Borough Council works with Registered Providers with property across the borough and they will advertise and seek to let at least 50% of their available homes using the scheme. This is known as 'nominations' and is managed through a nominations agreement with Registered Providers with the aim of working in partnership to help people in housing need and to prevent homelessness.

This policy has the following aims and objectives:

- Provide an allocation system which is easily understood and accessible to all residents and one which enables people to make choices about where they live;
- Provide a consistent approach to allocating available Hartlepool Borough Council homes and properties advertised by other Registered Providers;
- Improve access to affordable homes across Hartlepool;
- Provide help for applicants to resolve issues which may cause barriers to housing and to tackle and prevent homelessness;
- Provide choice in housing to residents in Hartlepool to help choose a home for their immediate and long term needs;
- To let homes in a fair and transparent way, allowing applicants to make informed choices about where they want to live; and
- To make efficient use of the social housing stock in meeting housing needs and contributing towards sustainable communities.

1.2 Statement on Choice

Applicants will be allowed to bid for advertised homes on the scheme, enabling them to have an active choice on where they choose to live balanced with meeting housing needs.

The choice based lettings scheme will enable the Council to nominate people from the housing register to Registered Providers. The scheme might also include private rented sector properties and affordable home ownership products to increase the choice and availability of housing. These lettings will be made outside of this policy.

1.3 Affordability

Applicants will be allowed to bid for properties that are affordable and which they are eligible for. Applicants who do not feel that they are receiving the income that they are entitled to should seek independent advice.

1.4 Equality and fairness

We will ensure that our policies and practices do not discriminate in line with the Equality Act 2010. We will take measures to ensure that people with disabilities have equal access to housing opportunities with the population as a whole.

We will ensure that all applicants have access to information about the service and equal opportunity to register, bid for and receive offers of accommodation. We will do this by providing help, in the applicants preferred way, where the applicant may have difficulty applying to the register, bidding for a property or accessing our online services.

1.5 Meeting our obligations

Our policy has been written to meet the legal requirements for the allocation of housing as set out in the Housing Act 1996 Part VI as amended by the Homeless Act (2002), the Localism Act 2011 and the Homelessness Reduction Act 2017.

This policy also has regard to the following:

- Homelessness Reduction Act 2017: Homeless Code of Guidance
- Allocation of accommodation: guidance for local housing authorities in England (June 2012 updated June 2022)
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (December 2013)
- Right to Move (2015) Statutory Guidance
- Childrens Act 1989 and Childrens Act 2004
- Public Sector Equality Duty
- Improving access to social housing for members of the Armed Forces (June 2020)
- The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Regulations 2006
- The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2022
- The Council's Homelessness and Rough Sleeper Strategy and Housing Strategy

1.6 Advice and information

A copy of this policy is available to be downloaded from hartlepool.gov.uk

Applicants who do not have internet access can visit or phone the Civic Centre for assistance.

Information may also be provided to applicants on their likelihood of obtaining social housing and other options that may be available to resolve their housing needs.

1.7 Information sharing, confidentiality and data protection

All information received relating to an applicant's housing circumstances will be processed in accordance with UK Data Protection law. Information will only be shared in accordance with our Information Sharing Protocols.

In dealing with an application for housing, we may need to contact other relevant agencies or organisations for further information (e.g. medical professionals, probation service, former or current landlords).

Where an applicant has difficulty communicating directly themselves, they can name an advocate (or interpreter) to communicate on their behalf.

Section 2 – Joining the Housing Register

2.1 Who can register?

Anyone over the age of 18 years can apply to join the register, providing they are 'eligible'. Applicants do not need to have a connection with Hartlepool, although preference for housing will be given to applicants with a local connection (see section 4.6). In exceptional circumstances, people who are 16 and 17 can apply with appropriate support and a guarantor.

People are eligible if they meet the requirements of 160ZA of the Housing Act 1996 (and any subsequent legislation), which deals with the immigration status of people who have come to the United Kingdom from abroad.

The regulations setting out which classes of people from abroad are eligible or ineligible for an application are The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Regulations 2006 (and any subsequent amendments).

2.2 Who will qualify to join the register?

Under the Localism Act 2011, we have the ability to decide who may not qualify for social housing in the area. People who fall into the following category may be assessed as 'non-qualifying':

- An applicant (or a member of their household) who has been found guilty of unacceptable behaviour that is serious enough that a landlord would not offer them housing and that they remain unsuitable because of that behaviour.

We may regard the following as unacceptable behaviour for an applicant or any member of their household:

- Criminal convictions*;
- Significant housing debt** which includes rent arrears, mortgage arrears, court costs or rechargeable repairs;
- Failing to keep to an agreed repayment plan in relation to housing debt;
- Perpetrator of domestic abuse, racial abuse or harassment;
- Perpetrator of abuse, violence or threats towards a member of staff;
- History of anti-social behaviour; and

OFFICIAL

- Providing false or misleading information.

*Spent convictions will not be considered during our assessment.

** Significant housing debt will be equivalent to 8 weeks and above chargeable rent arrears or 2 months mortgage arrears

Each case will be considered on an individual basis and exceptional circumstances will be considered. Before a decision is made to make an applicant non-qualifying, we will gather evidence such as references from current or previous landlords, rent statements, photographic evidence of damages, and information from Police/Probation or complete any other required investigations we need to complete to make our decision.

If an applicant is made non-qualifying, they will be informed in writing of the reasons for this decision and what can be done to rectify the situation. Applicants who have been made non-qualifying can request a review of this decision within 21 days of the date of the notification.

Applicants are expected to make an effort to modify their behaviour before they are able to re-apply to the housing register. This may include making and adhering to a repayment plan or evidence that they have not caused any further anti-social behaviour during a defined period.

2.3 Joint applications

Joint applications will be accepted, provided all applicants are eligible, aged 18 or over and intend to occupy the property together as their only or main home. The joint application will be assessed and placed in the appropriate band using the details of the household with the greatest housing need. In exceptional circumstances, people who are 16 and 17 can apply as joint applications with appropriate support and a guarantor.

2.4 Multiple applications

Multiple applications are not allowed. A person can only be on the register with one active application.

2.5 Re-applying for housing

If an applicant has been housed via the scheme and then wishes to re-register, they would need to register a new application which will be assessed based on their new circumstances.

2.6 Requests to transfer to another home

Applicants who already rent from the Council can register to move and will have their housing application considered in line with the Council's Tenancy Management Policy.

2.7 Applications from employees/members and their close relatives

Applications can be accepted from Hartlepool Borough Council employees, elected members, and their close relatives, provided they meet the eligibility criteria set out above.

2.8 How to apply and what happens

Applications can be registered online by accessing (insert name) or by contacting the Council for an appointment.

Once a completed application is received, we will ask for some documents to prove the applicants identity, address and circumstances. The application will then be assessed and placed in the band that reflects the circumstances of the household. Applicants will be informed of their band and effective date.

See section 3 for how we assess housing need.

2.9 Verification checks

Our checks will include the following:

- A full housing history for the last 5 years.
- We may seek such references and statements from former landlords and mortgage providers.
- Proof of residency.
- Evidence of immigration status (if applicable).
- Proof of joint custody (if applicable).
- Proof of pregnancy to show the need for an extra bedroom (if applicable).
- Proof of fostering or adopting status (if applicable).
- Proof that members of the household cannot share a bedroom for medical reasons (if applicable)
- Proof of an overnight carer from outside the household (if applicable).

2.10 Changes in circumstances

It is the responsibility of the applicant (or their advocate) to tell us about any change in circumstances that could affect their application.

2.11 Keeping the Register up to date

Applicants with a priority for housing will be reviewed regularly to ensure they are not having difficulties with the scheme and to check that they are applying for suitable properties.

Applicants who have not placed any bids in a 12 month period will be contacted to see if they still want to be considered for housing.

Failure to respond to a review may result in closure of the application and/or removal of a priority band.

2.12 Cancelling applications

Applications will be cancelled in the following circumstances:

- A request has been received from the applicant (or their named advocate);
- There is no activity in a 12 month period and no response received;
- The applicant is deceased and s/he was the sole applicant;
- The applicant has bought their property through Right to Buy or Right to Acquire subsequent to applying for rehousing;
- An applicant has been assessed as non-qualifying
- It is discovered that the applicant has given false or misleading information in their application; or
- There has been no response to correspondence sent to them.

Applicants will be given the reason why their application has been cancelled and informed of their right to request a review of the decision.

2.13 Giving false information or deliberately withholding information

It is a criminal offence for anyone applying for housing from a housing authority to knowingly or recklessly give false information or knowingly withhold information which is relevant to their housing application (Section 171 of the Housing Act 1996).

The Council will consider taking action against a professional organisation that provides false information or deliberately withholds information on behalf of an applicant they are representing.

Applicants who are found to have given false or misleading information will be made non-qualifying.

OFFICIAL

2.14 Deliberate worsening of circumstances

Any applicant who deliberately worsens their housing circumstances, will have any priority removed and will be placed into Band 4.

Examples of worsening circumstances may include:

- Giving up a tenancy/secure housing for no good reason;
- Moving from a property that has been adapted for the needs of someone in the household to a property that does not have the required adaptations; and
- Moving into a property that is too small or large to meet the needs of the household.

Please note – the above list is not exhaustive.

The applicant can ask for a reassessment of their band but would be responsible for providing evidence to support this.

2.15 Notifications about decisions and the right to a statutory review of a decision

Applicants have the following rights about decisions made about their housing application:

- The right to be notified in writing of any decision not to be registered on the waiting list;
- The right, on request, to be informed of a decision about any information which is being taken into account in considering whether to make an offer of accommodation; and
- The right to request a review of a decision made regarding their application.

A request for a review should be made within 21 days of the date of the notification. The review will be carried out by an officer who is senior to the person who made the original decision and should be completed within eight weeks. Applicants will be notified in writing of the outcome of the review and the reasons for the decision. Applicants may also be entitled to a further review by the Council and they will be informed where this is the case.

Section 3 – Assessing Housing Need

3.1 Legal background

To ensure that those with the highest level of housing need are given preference, we have considered the categories of people that must be given 'reasonable preference' by local authorities, as set out in s166a of the Housing Act 1996 and the Homelessness Act 2002. These are:

Reasonable Preference

- People who are statutorily homeless;
- People who the Local Authority owe certain homeless duties to;
- People who live in insanitary or overcrowded homes;
- People who need to move for medical or welfare reasons; and
- People who need to move to avoid hardship.

Additional Preference

Local authorities are required to frame their allocation scheme to give additional preference to certain members of the Armed Forces community, where they fall within one or more of the reasonable preference categories and have urgent housing needs. These are:

- a. Former members of the Regular Armed Forces
- b. Serving members of the Regular Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- c. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- d. 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.

We will award additional preference as a 6 month backdate to the applicant's effective date if they fall within this category.

3.2 The priority bands

The scheme has 4 Bands. All eligible applicants will have their circumstances assessed and will be placed in the relevant band, according to their level of housing need.

Band 1

A People living in Hartlepool who are losing their home due to a Council led demolition or regeneration scheme

This includes council tenants, registered provider tenants, private tenants and owner occupiers living within the boundary of a defined regeneration area who are required to move home, provided they have lived there, as their sole or main home, for at least 12 months. Proof of residency will be requested.

B People assessed as statutorily homeless and in priority need

People who have been accepted as statutorily homeless and in priority need and where the main homeless duty is owed (Part 7 of the Housing Act 1996).

C People who are owed the homelessness prevention or relief duty

Applicants who, following assessment, are owed the homelessness prevention or relief duty.

D People at risk of domestic abuse

Victims of domestic abuse who have lost their accommodation or who are at risk of losing their accommodation as a result of violence or a threat of violence will be assessed as prevention or relief duty.

E People leaving HM Armed Forces community

People leaving the HM Armed Forces community who are identified as having an urgent need for housing. This will include a member of the Armed Forces (serving, or has formerly served in the regular forces; serving, or has formerly served in the reserved forces; a bereaved spouse/civil partner; divorced spouse/civil partner).

Band 2

A People who need to move on urgent medical grounds

Applicants who have been assessed by the Council as requiring alternative accommodation because their medical condition (physical or mental health)

and/or disability is having a significantly detrimental effect on their ability to live in their current home.

B People assessed as ready for independent living

Those who need to move as part of an agreed plan to re-integrate into the community e.g. people leaving supported accommodation.

People with learning disabilities who are assessed as having to move in order to receive care and support or where their current housing is having a detrimental effect on their quality of life and ability to live independently.

C A household with a child in need or Care Leaver

As defined in the Children Act 1989, where a formal referral has been made by Social Services with the aim of safeguarding the welfare of the child or children or a child/children leaving the care of the local authority under the Children (Leaving Care) Act 2000.

D Adoptive parents or prospective adoptive parents/foster carers

Those who need to move due to their current accommodation being unsuitable or who need to move to a different location to safeguard or promote the well-being of the child or children they have adopted or are planning to adopt or foster children in foster care.

E People living in unacceptable housing conditions

People who are living in accommodation where, following a property inspection by the local authority, an assessment has concluded that the property contains unacceptable hazards and it has a duty to take action.

F Applicants who are under-occupying 3 or 4+ bedroom family homes (social rented) by 1 or more bedrooms

Calculations for under-occupancy will be based upon the number of people within the household and the criteria set out by the Department of Work and Pensions.

G People who are overcrowded by 2 or more bedrooms

Overcrowding is assessed on the number of people within the household and according to the best use of bedrooms and sleeping spaces available.

H HM Armed Forces Personnel

Members of the HM Armed Forces community (serving, or has formerly served in the regular or reserve forces; a bereaved spouse/civil partner or a divorced

OFFICIAL

spouse/civil partner) who are identified as having an urgent need for housing within 5 years of discharge.

Band 3

A People who need to move due to high medical grounds

Applicants who have been assessed by the Council as having a medical condition (physical or mental health) and/or a disability where a move to alternative accommodation would significantly improve their health.

B People who need to move on hardship grounds

People who need to move to a particular area in order to take up an offer of employment, education or training, or to be nearer to family or friends in order to give or receive support (working with a statutory agency), providing it is unreasonable to expect them to commute from their existing home.

People suffering financial hardship, e.g. if their income is insufficient to cover reasonable living expenses and financial commitments including if they are under-occupying a 2 bedroom social rented property and this is unaffordable.

C People sharing facilities with persons not of the same household

People sharing facilities with other people who are not members of the same household, for example:

- People living in houses in multiple occupation;
- Bed & Breakfast;
- Hostel; and
- Those who continue to live together following a relationship breakdown.

Note: Gypsies and Travellers will be considered under this category if they are sharing communal facilities e.g. WC or showers whilst residing on an authorised site.

D People who are overcrowded by 1 or more bedroom

Overcrowding is assessed on the number of people within the household and according to the best use of bedrooms and sleeping spaces available.

Band 4

- A** People whose current home is adequate to meet their housing needs
- B** People who have refused a reasonable offer of accommodation or worsened their own circumstances.

3.3 Assessing under-occupation, overcrowding, property entitlement and additional bedrooms

Under-occupation and overcrowding will be assessed based upon the number of people within the household and according to best use of the bedrooms to reflect the criteria set out by the Department of Work and Pensions.

One bedroom will be considered suitable for:-

- An Adult /Adult Couple;
- Two children of the same sex under the age of 16;
- Two children under the age of 10 regardless of their sex;
- Any other person aged 16 or over*; or
- Any other child that cannot be matched with the above.

Please note: This assessment does not include living room space unless there is a second living room which can be used as a bedroom and it does not breach health and safety standards. Where a bedroom is being used for another purpose e.g. study or toy room, its original function as a bedroom will be used in assessing the level of under occupation or overcrowding.

There may be some circumstances where a household is allowed an extra bedroom as detailed below:

- Health reasons;
- Bedroom for an overnight carer;
- Joint custody or overnight access to a child/children; or
- Prospective adopters and foster carers.

Where one of the above applies, evidence will be requested and an affordability check may need to be completed to make sure the applicant can afford the additional bedroom.

We regard an unborn child as though it is already in the household at 24 weeks. Evidence will need to be provided.

*Adult children may, in certain circumstance, not be given additional bedroom entitlement. This is where older siblings wish to continue to share a bedroom. Cases will be assessed on their individual circumstances.

3.4 Making direct offers without advertising

As well as applicants bidding for advertised properties, there will also be circumstances in which some applicants will receive direct offers.

A direct offer may be made in exceptional circumstances, for example:

- Applicants assessed by the Council as being owed a homelessness duty;
- People who need emergency accommodation due to fire, flood or major repairs;
- Ex-offenders subject to Multi Agency Public Protection Arrangements (MAPPA), where a full support package is in place with other relevant statutory and voluntary organisations to enable them to be returned to the community; and
- People who are at an imminent risk of violence or a threat of violence e.g. victims of domestic abuse, hate related crime or through a witness protection scheme.
- People who need adapted family accommodation.

If an applicant refuses a direct offer of accommodation, they will only be given a 2nd offer in exceptional circumstances.

Section 4 – The Lettings Scheme

4.1 Advertising properties on the lettings scheme

Once an applicant has a verified application, they can bid for available homes.

Adverts will be clearly labelled to show the property features, local neighbourhood information and the types of household that can bid for it. A photograph will usually be included with the advert.

Properties are sometimes advertised during a tenant's 4 week notice of termination period, and could be withdrawn from the scheme if the tenant changes their mind about moving.

There will sometimes be other restrictions in the advert e.g. age restrictions or adapted properties. Applications from applicants will only be considered if they can match the requirements in the advert.

Properties can be added to the site on any day of the week and will advertise for a minimum of 7 days (5 working days plus a weekend).

Properties that are re-advertised following an unsuccessful bidding cycle can be for a shorter period to prevent landlords from incurring additional loss of time to reallocate their property.

Where there is more than one property of the same description in the same location, only one advert will be displayed. The property advert will show that there are 'X' properties of the same type available at the same time. For example, if there are 2 or more flats available in a block or where there are a number of new build properties.

4.2 Adapted properties for people with disabilities

Adapted properties are homes which have been designed or adapted to meet the needs of people with physical or sensory disabilities.

Applicants who have an assessed need for adapted properties will be given priority over others without that need and the property advert will make this clear. The advert will also describe the adaptations to help people choose whether to bid for that property or not.

People who required adapted accommodation may be prioritised over those without a need for that accommodation even if they are in a higher band.

4.3 Bidding

Available properties will be advertised daily on the lettings platform.

Applicants (or their advocates) wanting to bid for a property can speak directly to a member of staff or use the website. There will also be an option to 'auto-bid' for the system to place bids on properties that people are eligible for in the areas that they select as where they want to live.

Applicants can bid for an unlimited amount of available properties, but will only be contacted if they are successful.

4.4 Short-listing and selection

At the end of the advertising period, a list of applicants will be produced.

Applications will usually be placed in band order (ranked Band 1 - 4). If there are two or more applicants in the same band, the date they entered the band (their effective date) will be used as a tie-breaker. In the case of decants, the applicant's occupancy date for their current property will be used as their effective date. If the effective date is the same for two or more applicants, the registration date will be used.

Local Lettings Policies may also affect the order of the shortlist.

4.5 Local Lettings Policies

In some cases, a home may be advertised with a Local Lettings Policy (LLP). This means that there may be certain qualities or characteristics that the landlord will be looking for when allocating the property.

An LLP is usually developed between the landlord, Hartlepool Borough Council and other agencies in order to achieve a specific aim for an area/estate or new build development. For example:

- where there is an issue with anti-social behaviour on an estate, an LLP can be used to make sure that no more households with a history of anti-social behaviour are housed there until the area stabilises, or;
- for new build developments, an LLP can help us get the right mix of families on an estate.

Where a property has an LLP attached to it, we will state this on the advert and make this available for the applicant to read.

4.6 Local connection

Applicants will be counted as having a local connection to Hartlepool if they fit one or more of the following categories:

- They live in the Hartlepool area and have lived there for 6 out of the past 12 months or 3 out of the past 5 years;
- They have close family connections with someone living in the Hartlepool area for an established period. A close family connection is defined as a parent, child, grandparent, grandchild, sibling, legal guardian; or
- Their regular place of work is located within Hartlepool.

Applicants with a local connection to Hartlepool will be given priority for an offer before applicants who do not where they are in the same Band.

Applicants in temporary accommodation (e.g. probation hostels) will not usually have a local connection to that area unless they meet one of the criteria listed above or there are special circumstances, e.g. they have been placed into that accommodation by the Local Authority due to homelessness.

Applicants leaving the armed forces and victims of domestic abuse will not need to have a local connection. Divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence will also be exempted from local connection requirements. A local connection will be applied for these applicants.

4.7 Offers

If an applicant has been given priority for housing in Band 1 and Band 2 they will be given one reasonable offer of accommodation. If the applicant refuses an offer that meets their housing need and this refusal is considered to be unreasonable, they may have their priority removed and be placed in Band 4. Applicants who have had priority removed can ask for a review of this decision.

4.8 Monitoring and review

This Policy will be regularly reviewed and revised in the light of any relevant legislative changes or regulations issued by the Secretary of State and changes to the Codes of Guidance.

4.9 Contact details

For any queries in relation to this policy please contact the team on:

☎ 01429 806834

✉ housingwaitinglist@hartlepool.gov.uk

🌐 www.hartlepool.gov.uk

OFFICIAL