



# Homes for Bolton

**Bolton Council and Bolton Community Homes**

**Allocation and Lettings Policy**

**July 2018**





# **Homes for Bolton: Bolton Council and Bolton Community Homes - Allocation and Lettings Policy 2013**

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## **1. Introduction**

Section 167 of the Housing Act 1996 requires local authorities to publish an *Allocations Policy* which sets out how social rented housing is allocated within the area and in particular how applicants on the housing register are prioritised.

This policy applies to existing social housing tenants wanting to move as well as to new applicants to the Housing Register.

The purpose of this policy is to set the basis on which the housing register is managed and to show how social rented properties available to let within the district are offered to customers.

The allocation & lettings policy outlines how Bolton Council and Bolton Community Homes Partners (referred to as 'BCH') will allocate properties whilst also meeting statutory duties and requirements of the Housing Act 1996 as amended by the Homelessness Act 2002 and Localism Act 2011 for the management housing applications and allocation of properties.

The policy has been drafted in partnership with the BCH partners with the aim of ensuring as much consistency in the allocation of social housing locally as is possible. The policy does however also allow for variation in individual organisation's policies and practice.

### **1.1 Introduction to the Lettings Policy**

The allocations & lettings policy has been agreed by Bolton Council and other BCH Partners, notably:

Clarion Housing  
Great Places Housing Group  
Irwell Valley Housing Association  
Mosscare St Vincent's  
Onward  
Places for People Group  
Bolton at Home  
Bolton Council

In addition local agreements have also been reached to allow a number of accredited Private Landlords (formerly within Bolton Accredited and Residential Landlord Organisation (BARLO)) to advertise and allocate properties via the Homes for Bolton choice based lettings scheme.

Bolton Council is responsible for:

- receiving and processing housing applications
- assessing housing need and managing the Bolton housing register
- agreeing and framing housing allocation & lettings policies and supporting and delivering their administration

- monitoring BCH partner performance against the allocations policy

The BCH partners are responsible for:

- owning and managing housing
- assessing need and letting homes according to the relevant policies
- consulting tenants

Contact details for Bolton Council, Bolton Community Homes (BCH) partner landlords (including Bolton at Home) can be found at [www.homesforbolton.org.uk](http://www.homesforbolton.org.uk)

The information contained in the policy and procedures will be updated as required without the need for a formal review of the allocation & lettings policy. The allocation & lettings policy is available to customers, free of charge, on request, or online at [www.homesforbolton.org.uk](http://www.homesforbolton.org.uk).

### **1.2. The allocation & lettings policy sets out:**

- Bolton Council and its partners' aims for allocation & lettings in Bolton
- how the Homes for Bolton housing register operates
- how customers' housing needs are assessed
- how allocation of properties works, including how the Homes for Bolton choice based lettings scheme.

The allocation & lettings policy is revised in light of changes to Corporate strategies, new legislation or case law, or new working arrangements within BCH and Bolton Council and is based upon Bolton Council's statutory duties.

### **1.3 Information to customers**

All applicants are customers. Bolton Council and BCH will provide information so that customers may judge:

- their housing need according to the allocation & lettings policy, in particular in which band they will be placed
- the availability of properties in their area of choice, based on historic allocation activity.

Customers will also be given information about their right to a review and appropriate guidance on how to request this.

The BCH office address is:

2 Silverwell Lane,

Bolton.

BL1 1QN

Bolton Council and BCH are committed to using Plain English.

#### **1.4 Statement on choice**

The allocation & lettings policy allows customers to express their preferences for both the area and property they wish to live in. BCH operates a choice based lettings scheme called Homes for Bolton. The scheme allows customers to make expressions of interest in advertised Registered Provider landlord properties. Customers must meet the eligibility criteria in order to qualify for an allocation – this may relate to their own eligibility to be an applicant or in relation to specific criteria that may relate to a property of scheme.

Homes for Bolton also provides for the advertisement of properties by private landlords as ‘homes available now’ which fall outside normal application and eligibility criteria. In each case this will be determined by the landlord. Homes for Bolton partners also contribute a proportion of their properties for re-let to the Pinpoint sub-regional choice based lettings scheme, enabling choice across a wider geographical area across Greater Manchester. All customers on the Homes for Bolton housing register have access to the sub-regional choice based lettings scheme and properties across Greater Manchester. Bolton’s current contribution to the scheme represents 10% of all the available stock across the majority of the BCH partner landlords. Properties advertised and shortlisted via pinpoint will be allocated according to the relevant allocations policy that applies locally to that particular partner landlord.

#### **1.5 The context**

Bolton’s social rented housing stock has seen a steady increase in demand at a time of decreasing availability. There is currently an active housing register of approximately 17,000 households competing for a total of 2000+ properties per year, expressing in excess of 100,000 expressions of interest. Given that an average of 50 expressions for every advertised property it is not possible to meet all customer needs let alone wants and choices of the majority of applicants.

#### **1.6 Provision of Housing Options Advice and Information**

Bolton Council recognises that the housing needs and aspirations of all those seeking assistance will not be able to be met purely through applying for accommodation through the choice based lettings scheme. Indeed many households may be seeking different types and tenures of accommodation or other assistance which cannot be met through that route.

As such Bolton Council and its partners will provide a comprehensive housing options service that can offer advice and information on a range of housing options available. These may include:

- Help and support to remain in current accommodation which may include:



- improvements or adaptations to existing accommodation or
- advice and support with household circumstances in order to manage and sustain existing accommodation and prevent them losing that accommodation where possible
- Advice on securing alternative private rented accommodation options
- Advice on mobility schemes which may help a household move out of the area
- Advice to current social housing tenants wanting to exchange with other tenants
- Advice on low cost home ownership options

The provision of housing advice will not affect an application for an allocation.

### **1.7 The aims and objectives of the allocation & lettings policy**

The lettings policy aims to achieve the right balance between meeting need, giving choice to customers and creating sustainable communities.

The aims and objectives of the allocation & lettings policy are:

**1.7 a)** To ensure Bolton Council and its partners fulfill legal requirements related to lettings/allocations:

- by publishing a allocation & lettings policy which includes Bolton Council's and BCH's statement on choice and outlining how Bolton Council assesses customers' housing needs
- by ensuring customers requiring reasonable preference are appropriately assisted
- to meet other legislative requirements
- to incorporate examples of good practice in the allocation & lettings process, for example, the Government statutory code of guidance on allocations.

**1.7 b)** To offer customers choice by:

- giving customers the opportunity to express their preferences for properties by advertising available BCH partner and selected Landlord Accreditation Scheme properties through a choice based lettings scheme.
- maximising choice wherever possible, for example by ensuring most properties are advertised and enabling customers to make expressions of interest in advertised properties.

**1.7 c)** To respond to housing market changes by:

- ensuring sufficient BCH partner properties are let to customers in the greatest/ most urgent housing need

- ensuring effective use of social housing stock by promoting under occupation incentives to social housing tenants in Bolton, and reducing voids times by enabling properties to be advertised while on notice
- increasing the supply of properties available to let by increasing lettings by private landlords who participate in the Bolton Landlord Accreditation Scheme to customers on the housing register
- encouraging customers to consider a variety of housing options, for example by providing information on alternatives such as mutual exchange or low cost home ownership or sub-regional choice based lettings, as well as providing comprehensive Housing Options advice outside the scheme.
- where appropriate, encouraging customers to widen their choices beyond high demand property types and areas, for example, by limiting the amount of time customers in housing need will be given additional preference for advertised properties and number of suitable offers made available to meet that need
- allowing BCH partners to adopt local lettings policies (LLPs) to better manage local housing issues.

**1.7 d)** To provide an equitable, transparent, efficient and customer focused allocation & lettings system by:

- ensuring consistency in the allocation and lettings processes across the BCH partners
- ensuring equality in the allocation & lettings process
- ensuring the allocation & lettings processes are as transparent as possible, in accordance with the policy, providing customers choice and information
- ensuring compliance with the Equality Act 2010, undertaking equalities impact assessment in response to significant change(s)
- developing good joint working arrangements with partner agencies
- offering additional support to customers who require assistance in using the allocation & lettings process
- providing a customer focused allocation & lettings scheme to all our customers and partners by offering choice, giving reasons to customers when decisions are taken about their rehousing, and publishing customer service standards and performance information
- ensuring that the application, advertising and allocations processes are streamlined and efficient
- review allocation & lettings processes to respond to changes in the local housing market and to wider regional and national context.

**1.7 e)** To promote sustainable communities by:

- facilitating regeneration
- supporting housing management by making best use of social housing stock
- offering BCH partners the flexibility to adopt approved local lettings policies (LLPs)
- contributing to the delivery of other Council and BCH partner strategies
- assisting in the creation of sustainable communities by ensuring customers deemed to be 'unsuitable' by reason of unacceptable behaviour are not re-housed and/ or are considered for suitable offers of accommodation by applying appropriate restrictions or conditions in individual cases.

**1.7 f)** To enhance mobility of customers within the borough of Bolton, into and out of the area by:

- giving preference to customers with a local connection to the borough of Bolton
- promoting the mutual exchange scheme
- engaging in sub-regional choice based lettings

## **1.8 Monitoring the allocation & lettings policy**

We will monitor the effectiveness of the lettings policy by:

- publishing the results of allocations made through the choice based lettings scheme
- monitoring allocation & lettings processes to ensure the proportion of allocations is as reflective as possible of local demographic indicators; to report on lettings, including performance information from the Housing Register, to appropriate bodies
- monitoring partner agreements and performance
- auditing the application of the allocation & lettings policy.

BCH will use this performance monitoring information to analyse current and future housing needs, and to inform future reviews of the allocation & lettings policy.

## **1.9 Related legislation, policy and procedures**

### **1.9.1 Legislative and policy framework of the policy**

All lettings will be made in accordance with the allocation & lettings policy. Bolton Council will ensure the allocation & lettings policy complies with all legislative requirements, related legislation, case law and council policies and strategies.

All references to statutory materials are by way of summary and for convenience only, and are not to be used as substitutes for the details within the original.

### **1.9.2 Related strategies**

The Bolton allocation & lettings policy has been developed, where possible, to reflect the wider strategic aims and approaches of Bolton Council and its partner organizations.

A number of other strategies and approaches have been integral to the development and shape of the allocation & lettings policy and practice reflecting the importance 'housing' plays within these wider corporate objectives. These include:

- Community Strategy
- Housing Strategy
- Homelessness Strategy

## **2. Housing Register Operation**

### **2.1 Brief Overview**

Homes for Bolton maintains a common housing register on behalf of the BCH partner landlords. The current active partners are listed in section 1 of this document. BCH partner landlords are expected to let their properties through the scheme in accordance with this lettings policy including any agreed Local Lettings Policy.

Customers can apply for housing through Homes for Bolton. Applicants can register and express interest in properties subject to eligibility, assessment of needs, property criteria and verification processes.

This policy document explains the process including:

- Housing Register Operation
- How to apply and register
- Lettings and tenancies
- Eligibility
- Assessment of need
- Property Criteria
- Advertising and expressions of interest
- Shortlisting and offers of accommodation
- Management allocations
- Other issues – lettings to staff and elected members, reviews and complaints

## **2.2. Applying to register and applicant information**

### **2.2.1 Joining the housing register**

All customers must be registered with the scheme before being considered for a Homes for Bolton partner property. Customers should apply in order to register with the scheme by contacting:

Homes for Bolton directly: in person via the Housing Options Centre; by telephone 01204 335811; or the Homes for Bolton website ([www.homesforbolton.org.uk](http://www.homesforbolton.org.uk));

- Information is also available from other Homes for Bolton services (including Housing Advice and Homeless Welfare, from Bolton at Home and other BCH partner landlords and offices, other one-stop-shops and advice agencies in Bolton, including Access Bolton at the Town Hall.

### **2.2.2 Who can register**

A customer can only be registered as a main or joint applicant or a 'person to be re-housed' on one active housing application. Applications for re-housing BCH partner tenants will be considered on the same basis as other applicants.

Vulnerable customers e.g. elderly or disabled, who have difficulty engaging with Homes for Bolton choice-based lettings service and who have no other advocate or person to help them with their application, may receive support from the Homes for Bolton customer support or other Housing Options team as well as other support staff or external agencies such as care co-ordinators, social workers or supported housing staff.

Customers accessing the housing register may be subject to identification checks and a test of eligibility.

### **2.2.3 Information held on the housing register**

Application information will be held on a computer system. All housing needs and offers of accommodation will be recorded on this database. The date of registration will be the date the application is completed and accepted. If relevant changes of circumstance are recorded there may be a re-assessment of housing need.

Information held about an application and personal details will be kept in accordance with the Data Protection Act 1998. Customers have a right to view and receive a copy of their records held on the housing register.

Following an application being registered on the scheme the main applicant will be informed of their registration number and registration date.

At the request of the applicant Homes for Bolton shall make available at all reasonable times and without charge, details of the particulars that have been given to the authority about themselves and their family and which have been recorded as being relevant to the application for accommodation.

Homes for Bolton shall make available such general information as will enable an applicant to assess:

- How the application is likely to be treated under the scheme (including whether they are likely to be regarded as a member of a group of people who are to be given preference within the scheme) and;
- Whether housing accommodation appropriate to his needs is likely to be made available to them and, if so, how long it is likely to be before such accommodation becomes available for allocation to him.

#### **2.2.4 Partner commitment to data handling**

a) Each BCH landlord has given an undertaking with Bolton Council and BCH which includes the following obligations:

- to input information on to a shared computer system; using all customer information in accordance with the Data Protection Act 1998
- to take all reasonable skill, care and diligence in performing its obligations in relation to the housing register. All BCH landlords will have access to data held in all applications.

b) Each BCH landlord acknowledges that they will be dealing with confidential information whilst performing their obligations, and have agreed not to disclose confidential information to a third party except where:

- the individual who is the subject of the confidential information has consented to the disclosure
- the BCH partner or Bolton Council is required by law to make such disclosures

or

- disclosure is made in accordance with an information sharing protocol.

By making an application to be put on the housing register, the customer consents to their information being accessed by all BCH partner landlords and active partners within the Greater Manchester Sub Regional scheme. This scheme offers members of the Bolton Landlord Accreditation Scheme the opportunity to advertise available properties as part of the scheme, or as a stand-alone advertisement. Participating landlords have signed an information sharing agreement with Bolton Council.

#### **2.2.5 Verifying information received on the registration form**

Where an application is received with insufficient information to enable the service to process the application, that application may be cancelled and deleted if the necessary required information is not subsequently received within the specified timescale (usually within 14 days or possibly 21 days depending upon the information required).

The service will verify where necessary the information provided on the application form, and may ask for proof of the following (this list is not exhaustive):

- composition of the household
- housing and address history
- eligibility and
- suitability to be a Bolton Community Homes tenant.

### **2.2.6 Keeping the housing register up-to-date**

The service will update the housing register where appropriate, including:

- when the customer informs us of a change of circumstance(s)
- approximately every 2 years or when operational conditions permit, customers who have not made an expression of interest in the previous 12 months will be contacted to ascertain whether they wish to remain on the housing register. Failure to reply within a reasonable period will result in the application being cancelled.
  - Bolton Council may increase the frequency of reviews to ensure the housing register is kept up-to-date and as accurate as possible, however only applicants who have failed to express interest in the previous 12 months or longer may be affected (recent/new applicants will remain unaffected).

### **2.2.7 Cancelling an application**

The service may cancel a customer's application from the housing register, for example:

- on the customer's request
- when the customer is deemed to be unsuitable to be a tenant, or otherwise ineligible
- when the customer has been rehoused by a BCH or Pinpoint partner landlord,
  - if 2 offer letters are returned by the Post Office as undelivered
  - where a tenant completes the purchase of their home through the right to buy or right to acquire schemes.
  - where a reply to the survey letter (or any other application reviews undertaken by the service) is not received
  - where a customer has not made an expression of interest in the previous 24 months
  - when Bolton Council is notified by an executor or personal representative that a customer is deceased.
  - when a customer unreasonably fails to respond to 2 offers of accommodation or unreasonably refuses 3 offers of accommodation.
  - where a tenant submits an application under the Right to Buy or the Right to Acquire Scheme their housing application will be suspended.
  - where a customer is clearly no longer at their given registered address.

Customers may have their application cancelled if:

- the application address is no longer correct or fail to update their address / contact details;
- In the event of a customer's death,

Customers will be informed should their application be cancelled or suspended if they have provided appropriate contact details. Where an application is cancelled and the applicant re-applies, the reasons for the cancellation will be taken into account when considering the fresh application. It will remain for the applicant to show a change in circumstances.

- Should a customer re-apply following the cancellation of an earlier application, the reasons for the earlier cancellation and any other relevant information will be taken into account when considering whether or not to allow that new application.
- Should a further application be allowed following a cancellation of an earlier application, the new date of registration will apply.
- Should an applicant disagree with either an earlier decision to cancel or suspend an application, they may request a review within 21 days of that decision.
- Only in exceptional circumstances and with good reason would a subsequent application be backdated to that of an earlier cancelled application.

### **2.2.8 False statements and withholding information**

It is an offence for anyone to knowingly or recklessly make a statement that is materially false, or to deliberately withhold information which Bolton Council reasonably requires that person to give, or to fail to notify Bolton Council of changes regarding housing circumstances. Bolton Council may take legal action against customers who give false information or withhold information regarding their housing application. If the customer has been allocated a property in these circumstances then the relevant BCH partner may take court action to evict the customer.

### **3. Types of lettings and tenancies**

Properties will be allocated as a let through either the Homes for Bolton or sub-regional choice based lettings scheme application, short-listing, verification process unless as a result of a right to succession, assignment, mutual exchange, decant or other management letting.

Existing social housing tenants seeking transfers will have their applications considered on the same basis as new applicants, apart from transfers initiated by a BCH partner for management purposes, which fall outside Part 6 of the Housing Act 1996.

Lettings made through Homes for Bolton choice based lettings scheme will be allocated under the particular tenancy arrangements of that partner landlord, These will include both sole or joint tenancies depending upon the particular application. The types of tenancy may include:

- Assured shorthold or assured tenancies with the BCH registered providers;



- assured shorthold tenancies with an accredited private landlord;
- Family Intervention Tenancy with the BCH registered providers;
- other non-secure tenancy for example where a property needs to be vacated temporarily for essential repair or is otherwise being allocated with the scope of the management allocation processes (for instance in the cases of decants or use for temporary accommodation purposes); or
- equitable tenancies in the case of someone aged 16 or 17 years with an appropriate adult 'trustee'.

### **3.1 Family Intervention Tenancies**

Family Intervention Tenancies may be provided to tenants at risk of eviction from social housing due to anti-social behavior or for applicants who would otherwise be deemed 'unsuitable to be a tenant' for such behaviour. They are intended as a tenancy of last resort to help the delivery of a behaviour support contract to assist such a family to improve behaviour. These tenancies have a relatively low level of security being compared to assured tenancies, being intended to allow a period of engagement with an explicit support plan & review process providing a range of interventions and conditions and co-ordinated by a Family Intervention Project /Service (FIP/S) in partnership with the landlord and partner organisations (such as Children Services, local housing authority and other agencies who may provide key services and interventions).

Key decisions, review and monitoring of FITs (there establishment, continuation & termination) will be undertaken by a review group organised by the Family Intervention Project/Service on behalf of the relevant provider landlord and other referring agencies. Any requests to review decisions to end a FIT are undertaken with each provider landlords' internal review processes.

Upon completion of a FIT, there is no legal entitlement to a new tenancy. Depending upon the success (or not) of the FIT process, a decision will be made to the offer (or not) of further accommodation. This could result in the offer of the same property, offer of an alternative property (either via a housing register or management allocation) or termination of the FIT with no offer of accommodation offered. This decision will be made by the landlord in consultation with the FIP/S and partner agencies, including the local housing authority, homelessness and other related services.

### **3.2 Mutual exchange**

In certain circumstances registered social landlord tenants can exchange their tenancies. This is done by a deed of assignment. An assessment of housing need is not required for applications for mutual exchanges. The approval of the relevant BCH partner landlord will be required in writing before a legal mutual exchange is allowed. Homes for Bolton works in conjunction with the BCH partners to encourage and support mutual exchanges where appropriate. BCH partners utilise

various on-line IT and other processes to encourage and assist mutual exchanges where appropriate.

#### **4. Eligibility for offers of accommodation through Homes for Bolton**

##### **4.1 Eligible customers**

The law states that some customers are not eligible to be considered for housing under Part 6 Housing Act 1996. Eligible customers are those who are:

- aged 16 years old and over
- not classified as ineligible under section 160 (A)(3) or (5) Housing Act 1996, for example, persons subject to immigration control or persons from abroad, unless they are of a class prescribed by regulations made by the Secretary of State and
- considered suitable to be a tenant.

Applicants aged 16 or 17 years will be required to have sufficient support in place to sustain a tenancy and have an appropriate adult to act as a trustee to that tenancy on their behalf.

Whilst a customer may make an application to be placed onto the Homes for Bolton housing register (indicating their interest to be seek accommodation through the Homes for Bolton CBL scheme) their application may be refused due to their being ineligible for an allocation at the point of application or any time thereafter.

The acceptance of an application onto the housing register is not in itself a decision that the applicant is eligible for an allocation. Eligibility for an allocation may change over time and with circumstances. Relevant information as to the application including eligibility may or may not be available or brought to the attention of Homes for Bolton at the time of application or at any time thereafter.

As such, whilst an applicant may be informed at any time from point of application as to their eligibility, ultimately the matter of eligibility for an allocation will be determined at the time of any possible offer or allocation of a property by the partner landlord with reference to Homes for Bolton.

##### **4.2 Applicant under 18 years old**

Whilst applicants 16 and over can apply, most Homes for Bolton landlords will not allocate properties to those aged under 18 years old unless they are satisfied as to the applicant having sufficient support in place to sustain such a tenancy and that they have an appropriate adult to act as a trustee to that tenancy on their behalf.

Where a customer aged 16 or 17 years old is being considered for an allocation, any possible tenancy is usually conditional upon a responsible adult signing a Deed of Trust or agreeing to act as Trustee for and on behalf of the proposed 'equitable tenant'. An offer of accommodation under Part 6 Housing Act will only be made to 16 or 17 year olds if Bolton Council and the relevant

partner landlord are satisfied the customer has adequate support and the customer accepts the support offered.

### **4.3 Applicants who are ineligible for housing**

Section 160A of the Housing Act 1996 (as amended) sets out who is ineligible to receive an allocation of housing. Applicants who are ineligible for housing fall into three categories:

- Certain persons who are subject to immigration control, unless they are of a class prescribed by regulations made by the Secretary of State or are exempt because they are already a secure tenant
- Other persons from abroad whom the Secretary of State by regulations prescribes as be ineligible for an allocation of housing accommodation by a local housing authority or are exempt because they are already a secure tenant
- Certain persons who the local authority decides to treat as ineligible due to unacceptable behaviour, which would prevent them from being considered as a suitable tenant

### **4.4 Suitability to be a tenant**

#### **4.4.1 Unsuitable to be a tenant**

When deciding whether or not an applicant is eligible for housing, the Council may decide that the applicant should be treated as ineligible for housing if it is satisfied that:

- The applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant; and
- In the circumstances at the time their application is considered, they are unsuitable to be a tenant by reason of that behaviour.

#### **4.4.2 Unacceptable behaviour**

When an application is registered, or while they remain on the housing register, Bolton Council may decide whether the customer is suitable to be a tenant or not. Bolton Council along with other BCH partners may consider whether the customer/applicant, or a member of his/her household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant at that time and hence whether or not they are suitable for an allocation.

Unacceptable behaviour is defined as behaviour by the customer, or household member, which would (if he/she was a secure tenant) notionally entitle Bolton Council to a possession order on Grounds 1-7 of Schedule 2 to the Housing Act 1985.

Some examples of unacceptable behaviour may include rent arrears, antisocial behaviour and perpetrating domestic violence.

The customer/applicant (or a member of his/her household) may also be considered guilty of 'unacceptable behaviour' should they have deliberately made their situation worse in order to take advantage of the housing allocations scheme.

All applicants will be treated as suitable unless the customer is subsequently found to be unsuitable for an allocation. If the customer is deemed unsuitable, their housing application may be suspended whilst the circumstances of the case are considered and/or cancelled.

An applicant who has been deemed ineligible due to unacceptable behaviour may make a fresh application if s/he considers their behaviour should no longer be a factor due to a change in circumstances. It will be the applicant's responsibility to show that his/her circumstances or behaviour have changed.

#### **4.4.3 Decisions on eligibility and suitability**

The decision on a customer's suitability may be made by Bolton Council either at the point of application or subsequently. This will depend upon the information available at that time and whether further information comes to light.

Partner landlords may also deem an applicant unsuitable when considering a particular allocation. Any such refusals to allocate are decisions for partner landlords to make within the scope of their allocations policy which should be consistent and in line with the Homes for Bolton / Council policy. Any review of such decisions rest with a more senior officer not involved with the earlier decision within that provider's organisation, with any review decision being made in consultation and agreement with Bolton Council.

All such decisions/refusals to allocate due to reasons of unacceptable behaviour/unsuitability to be a tenant are to be notified to the applicant in writing containing full and clear reasons for decision and notifying the applicant of their right to request a review. The partner landlord should inform the Council of all such decisions providing copy of the written decision.

Such decisions may be specific to a particular property / area whereby it may be reasonable to still consider the applicant to be suitable for an allocation elsewhere. In some circumstances however it may be viewed that the application is deemed 'unsuitable' from the entirety of the scheme, in which case the provider may also request the application be cancelled. In order to do this they must provide clear request with detailed reasons and the appropriate evidence in support of this.

Applicants seeking a review of any such decision will be informed of the details of the partner landlord's request for cancellation. The applicant shall be required to make any such request for review directly to that partner landlord as to their decision to request the application be cancelled.

Cancellations in such cases may not specify the length of time/minimum period which will apply. Applications can be re-considered afresh however may only require a further decision if there have

been relevant and/or significant change in circumstances or new relevant evidence is subsequently available.

#### **4.4.4 Applicants with a 'housing' debt**

Certain customers with a known debt to a BCH Partner may not be considered for an allocation via the register with each case being considered on its merits. Examples include:

Where there is a current or former tenant debt of £400 / or one months' rent or more, including rent, housing benefit overpayments and re-chargeable repairs (malicious damage).

Applicants will be requested to divulge details of any outstanding debt upon application and additional checks may be made to identify applicants who may have an outstanding debt which has not been declared. However due to the volume of applications, the fluid nature of debts which may later accrue, and the wide range of agencies involved this will not always be possible.

As such, whilst applicants may be able to register with an outstanding debt or accrue a debt following becoming registered; once an applicant is considered for an offer of accommodation, the verification checks undertaken at that stage may highlight a debt which may affect whether or not that allocation is allowed or not.

In considering an allocation, each case must be considered on the individual merits of the case and the decision maker may exercise discretion in doing so.

Any such decision at that stage will be for the partner landlord to determine although with reference to the Council and consistent and in line with the Homes for Bolton / Council policy. Cases will be reviewed on the merits of the individual case (see section 12.1), taking account of:

- All circumstances of the debt, past and current
- Size of the outstanding debt
- Current circumstances of the household
- The household's financial capacity to address the debt taking account of income and ability to pay & reduce the debt
- More recent history of maintaining accommodation and maintaining acceptable payments of housing costs/rent and provide a satisfactory reference (to those ends / from that landlord).
- Proof of satisfactory agreement to pay and payments from the outstanding debt/arrears (usually a minimum of 12 weeks payments on-going), and/or
- Substantial and/or satisfactory reduction of the overall debt (including satisfactory written confirmation from the landlord)

Whilst applicants may be allowed to register an application with an outstanding debt, this is always on the basis that any such applicant is expected to address any such debt to the satisfaction of the

landlord with whom that debt arose (eg any debt must be being addressed on an on-going basis through an acceptable agreement to pay).

Eligibility for an offer will ultimately be determined at the final verification stage and any agreement to register or acceptance of an application to go on the Homes for Bolton housing register at any stage is not in itself an acceptance of eligibility for an allocation.

Customers with a debt of below £400 / or one months' rent may not necessarily be excluded from the register, however, as a general rule, most BCH landlords would look towards an established agreement to pay and maintain regular payments for a minimum of 12 weeks before agreeing to an allocation.

Exceptions to these restrictions may be certain customers identified through the Reasonable Preference Categories as set out in the Housing Act 1996, as updated in the Homelessness Act 2002, those owed a full main homelessness duty and / or others on a case by case basis including those with high/urgent need circumstances. This will generally be at the discretion of the 'housing need' assessors , including Homes for Bolton and Housing Options Service(s), Supported Housing Team and partner landlords via their management allocation processes.

#### **4.4.5 Suspensions from the housing register - Mental capacity**

Where an individual has been assessed in accordance with the Mental Capacity Act 2005 as being unable to hold or to manage a tenancy, they may be suspended from the register until a suitable advocate is appointed to act on their behalf. Where an application has been received from a person without mental capacity, and a suitable advocate is appointed to act for that person, the start date of the application will be the date the application was originally processed.

#### **4.4.6 Suspensions from the housing register – necessity for support**

Where an applicant is assessed as requiring a particular level and nature of support in order to be capable of sustaining a tenancy in an appropriate manner, and without that support the applicant may otherwise be deemed 'unsuitable to be a tenant' (due to their earlier behaviour and/or lack of capacity to maintain a tenancy appropriately without such support); that application may be suspended until such a time that the necessary support is in place, retaining the original date of application.

#### **4.5 Regarding partner provider's organisational charitable and/or other objectives:**

Having otherwise determined an applicant household as 'suitable to be a tenant', should a provider otherwise consider the specific allocation to that applicant household to be contrary to their charitable objectives or other specific covenant that may apply, that provider may refuse to make the allocation in that case. The applicant will be informed in writing by that provider as to this decision allowing an opportunity for the applicant to request this decision be reviewed. The

provider will also inform the local housing authority (Bolton Council) of any such decision and associated reasons.

**4.5.1** An applicant may be considered to be unsuitable to be a tenant of a partner landlord if they are viewed by the provider to have the ability and means to maintain and/or secure suitable alternative accommodation in order to meet their household needs where an allocation by the provider may be considered to be contrary to their organisation's charitable objectives. Such an application may however remain on the housing register.

**4.5.2** Any such decision will take into account:

- Household circumstances
- Any particular needs of the household including in relation to age, health, disability or other vulnerability
- Income, capital and other financial resources
- Ownership of property
- Household financial capacity including consideration of other commitments and/or debt
- Availability / affordability of alternative options

**4.5.3** In terms of identifying cases where an allocation may be contrary to an organisation's charitable objectives or other covenants, partner organisations may put in place a process at offer stage in order to prompt further enquiry and assessment as appropriate. This may include query as to age, disability, receipt of state benefit(s), income and/or access to significant capital or other assets. The detail in relation to individual applicant households may prompt further enquiry and assessment by that provider.

## **5. Determining housing needs**

### **5.1 Reasonable preference**

The Housing Act 1996, as amended, requires the allocations scheme to secure that reasonable preference is given to certain categories of people and circumstances.

The Housing Act 1996 at section 167(2) requires that the allocations system

to secure a "reasonable preference" for people in five groups:-

- People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002)

- People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (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)
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds (including grounds relating to a disability); and
- People 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)

The local authority may also give “additional preference” to particular descriptions of people with urgent housing needs, The authority may take into account a wide range of factors when considering whether to give an “additional preference” or whether to give a lesser priority.

The scheme may also contain provision for determining priorities in allocating housing accommodation, and factors which the scheme may allow to be taken into account include: financial resources available; any behaviour of a person or member of the household and local connection.

This Allocations Policy has been designed to ensure applicants who fall within the reasonable preference categories will be awarded the due reasonable preference through an appropriate mechanism.

Every application received by the Council will be considered according to its facts. Because every applicant’s situation is different, applications will be considered on an individual basis and individual circumstances will be taken into account. Accepted applications will be placed in a housing needs band following application and any further assessment of their household’s needs as required.

### **5.1.1 Equal opportunities and diversity**

The Council and its partners will ensure that the Allocations Policy is applied in a manner that actively promotes equality and complies with its statutory obligations relating to equal opportunities and diversity.

## **5. 2 Housing Need Bands and other preference mechanisms**

Customers will have their household’s housing needs categorised into one of four bands on the housing register should their application be accepted.

These bands will reflect the household’s application details, circumstances, identified needs and reflect the relevant mechanism to provide a reasonable or additional preference as required.



In some instances where a reasonable or additional preference may apply, this may be reflected either with an appropriate banding or inclusion within another mechanism that affords this preference for an allocation within the scheme or both in parallel as may be determined on the merits of each individual case. Mechanisms other than banding may include for example: inclusion within the Adapted Housing Register and/or consideration for a management allocation.

An applicant may be appropriately provided a reasonable preference for a suitably adapted / accessible property or another specific type or location of property in order to meet particular identified needs by inclusion on the Adapted Housing Register or via Housing Management Allocation processes, and in such cases it would not necessarily be appropriate to provide a reasonable preference through purely a change of banding as such a reasonable preference may specifically be in relation to securing a specific type or location of a suitable property, and not for purpose of providing a preference over other applicants for properties otherwise not suitable or appropriate to meet those particular needs.

The allocations policy provides for four different need bands. These are:

**High Need Plus (HNP):** this band consists of customers meeting exceptional and/or urgent multiple housing and welfare need for housing where Bolton Council has a legal duty or responsibility to consider them for accommodation. This need will be identified by the appropriate 'housing need' assessors or referred to them by agencies who may be viewed as the most appropriate section or agency to provide assistance to those particular customers.

**High Need (HNL):** this band consists of those customers high/urgent needs where Bolton Council has a legal duty or responsibility to consider for housing and also provides for an 'additional preference' or 'relative priority' above other preference needs.

**Preference Need (HYG/HYT):** this band consists of the majority of other customers, including those: with identified housing need(s), however do not meet the necessary level or degree of urgency covered by a higher or additional preference banding, including:

- with identified housing need(s), however these are appropriately afforded a preference through another mechanism, for example Adapted Housing Register or management allocation
- with no or insufficient level of housing need assessed as warranting additional preference or high/urgent need banding
- whose high/urgent need priority award has expired
- whose high/urgent need priority has been removed, for example, but not exclusively, after they refused or failed to secure a reasonable offer of suitable accommodation
- who are current tenants or those in shared ownership schemes of Homes for Bolton or other partner social landlords where there are no identified need(s) covered by a level or degree of urgency of a higher banding customers who own their own home who are of state retirement age

**Conditional Need (CND):** this band will be made up from other customers with no assessed need and all other applicants who otherwise do not fall into any other band, including:

- customers who own their own home who are under state retirement age and/or
- any person who lives outside the borough (OOB) and/or
- customers who own a property and do not live in it.

Those placed in the Conditional Need band will be ranked below any other customer expressing an interest in advertised properties.

Customers currently living outside the local authority area may qualify for higher banding, into the Preference Need Band (HYG), if they can establish a local connection detailed in 5.2.1 below.

Often a local connection or lack of local connection will be very apparent. The next section explains in more detail the circumstances that would establish whether or not there is a local connection. Where there is any dispute or uncertainty about this, contact can be made with Homes for Bolton services. Those customers with a local connection will be considered as per normal procedure and moved from the conditional band into the general band. Those Out Of Borough cases with no local connection will remain in the conditional need band.

### **5.2.1 Local Connection definitions**

The definition of what constitutes a local connection for the purpose of these guidance notes is largely drawn from homelessness guidance in relation to Part VII 1996 Housing Act (as amended by the 2002 Homelessness Act). This provides that a person has a local connection with the district of a housing authority if he or she has a connection with it because:

- he or she is, or was in the past, normally resident there, and that residence is or was of his or her own choice or
- he or she is employed there or
- has family associations there or
- has other special circumstances.

For the purposes of the allocations policy:

Residence: the general rule of thumb would be 6 months in the last 12 months or 3 years in the last 5 years. In addition, for purpose of local connection within the allocation scheme, residence within temporary homelessness or placement within other supported accommodation would not count towards this if the applicant originated from out of borough.

Employment: the applicant should actually work in the district: it would not be sufficient that his or her employers' head office was located there, nor for the person to be just work-seeking.

Family Association: relates to parents, adult children or siblings (where there is frequency of contact, commitment and/or dependency). In addition to the immediate family, this may include associations with other family members such as step-parents, grandparents, grandchildren, aunts or uncles provided there are sufficiently close links in the form of frequency of contact and/or dependency. Also the general rule of thumb is that those associations should normally have been resident in Bolton for the previous 5 years.

Family associations may also extend to unmarried couples, provided that the relationship is demonstrated to be sufficiently enduring, and would equally apply to same sex couples.

Special circumstances: might include the need to be near special medical or support services which are available only in a particular district, though there would clearly need to be evidence of this and some kind of confirmation of receipt of that service.

Former asylum seekers: have a local connection if he or she was (at any time) provided with accommodation there under s.95 of the Immigration and Asylum Act 1999 ("s.95 accommodation") in that district unless they were subsequently provided with s.95 accommodation in a different area. Where a former asylum seeker has been provided with s.95 accommodation in more than one area, the local connection is with the area where such accommodation was last provided. A local connection with a district by virtue of an Immigration and Asylum placement does not override a local connection by virtue of another local connection reason. Thus, a former asylum seeker who has a local connection with a district because he or she was provided with accommodation there under s.95 may also have a local connection elsewhere for some other reason, for example, because of employment or family associations.

## **5.2.2 Reasonable and Additional Preference and Local Connection – statute, regulation and guidance**

Within the scope of this policy the Council may vary the terms of the allocation policy in order to meet any new or varied requirements as directed by central government, including relative preferences, bandings and eligibility.

## **5.3 Assessment of Housing Need**

Homes for Bolton will assess housing need when it receives information that indicates an assessment for change of banding is warranted.

This may include:

- information on the housing application
- when informed of a relevant change of circumstance
- as part of a pro-active review of the customer's housing need

further assessment is required.

. Homes for Bolton will take into account all the household's housing and eligibility needs and any relevant change of circumstances when assessing the most appropriate band for the customer to be placed in.

Should a customer have multiple housing needs, this will be taken into account and reflected in the banding. Homes for Bolton will recognise cumulative need where a customer has more than one assessed need which falls within the Priority band. Where this is the case, such customers may be considered as in greater need than others and banding adjusted accordingly. In some circumstances one individual need may be considered of such an exceptionally high and urgent level that this may warrant banding at a higher level than some other needs which may be cumulative and in relation to a number of factors. Each case will be considered on its own merits and subject to change or review by virtue of changing circumstances including for example provision of other assistance which may reduce the level of need or urgency.

Examples are given in the sections below to assist customers to gauge which band they may be placed in. These examples are indicative, not exhaustive.

Assessment of housing needs will be undertaken by Homes for Bolton services and other partner agencies as appropriate. For information about who will consider particular circumstances, assessment and decisions, please ask a Homes for Bolton member of staff. An award of priority will usually be made from the date assessment is completed and the housing need is identified. An increase in the banding of an application to a high/urgent need banding will be accompanied by an 'effective date' of that banding. This will be the date within which all applications within that level of banding will be ordered on any shortlist for a property. This date will normally be the date from which that particular high/urgent need banding was identified.

## **5.4 Provision of Priority on the Housing Register**

This section gives illustrative descriptions of the award of additional preference within the allocations scheme, be that by award of a high / urgent need banding or through another preference mechanism. These are examples and guidelines only and each case is considered on its individual circumstances and merits.

### **5.4.1 Circumstances in which additional preference (“High / Urgent Needs”) banding may be awarded**

This section explains the principles that apply to an application when considering / awarding additional preference ('high / urgent' need -HNL) banding. The purpose of the awarding of a 'high/urgent need' banding for a 'priority period' is to provide an 'additional preference' or 'relative priority' to applicants already provided with a reasonable preference banding.

In certain circumstances applicants / households will be assessed against a range of criteria and need and may as a result be provided with a 'High / Urgent Need' within the Homes for Bolton scheme if this is appropriate.

Assessments of need will be undertaken by the relevant 'High / Urgent Need' 'housing need' assessor i.e. Homes for Bolton teams including Housing Options / Homeless team and the Homes for Bolton CBL team or other partner agency responsible for assessing certain aspects of housing

need, for example Bolton at Home tenancy sustainment and support team.. Such circumstances may include for example:

- Where there is a high level of concern for the welfare of children in a family
- Where an applicant is suffering from a diagnosed mental illness and receiving a high level of Social Work support
- Where there is an on-going threat of domestic violence, other harassment or violence with referral from an appropriate agency or
- Where there is a statutory duty to secure the availability of suitable accommodation, for example due to a relevant homelessness duty under part VII Housing Act 1996 (as amended by the 2002 Homelessness Act and Homeless Reduction Act 2017) and securing an offer through the part VI allocation scheme would be appropriate
- Where a household is living in circumstances where there is immediate threat to life or limb

In addition, such an additional level of banding may be provided in order to meet particular needs such as:

- Assistance to move-on from designated temporary homelessness accommodation or other supported housing schemes as appropriate
- Assistance to move from a current social rented tenancy for purposes of under-occupancy and downsizing

Appendix 1 provides a list of example circumstances where consideration may be given to providing an application with a higher level of banding in order to meet a high/urgent level of housing need.

The assessments which may result in a 'High / Urgent Need' banding will consider not only current accommodation arrangements and the vulnerability of a household but also the impact of current circumstances on the household, alternative options and assistance to alleviate any difficulties as well as the positive impact of securing more suitable accommodation through the Homes for Bolton scheme.

Such a priority award may be in relation to one specific need or in relation to a number of needs which are cumulatively assessed. These assessments may be reviewed at any time during the period of the award taking into account for example; any relevant change in circumstances; unreasonable refusal of suitable offers of accommodation; or provision of other interventions or assistance which may alleviate or reduce the level of need.

## **5.5 Armed Forces Personnel and their families**

Armed Forces, Former Armed Forces personnel and their families may require assistance with re-housing during the period of transition from leaving the forces or at some future date. The make-up of households and circumstances will be varied.

The policy therefore provides for:

- arrangements to facilitate housing applications in a planned way in advance of final discharge date;
- assistance for those without settled accommodation following discharge from the forces who are living in insecure accommodation arrangements, or those who are homeless or threatened with homelessness;
- prioritising single forces personnel with lengthy and /or active service who may be vulnerable as a result;
- working with and supporting people who have had historic records of active military service for the Country who may now require assistance with housing.
- Provision of arrangements to facilitate forces personnel to seek housing assistance in a planned way in advance of final discharge date

The principal responsibility for providing housing information and advice to Service personnel lies with the armed forces up to the point of discharge and these services are delivered through the Joint Service Housing Advice Office. Some people, who have served in the armed forces for a long period, and those who are medically discharged, may be offered assistance with resettlement by Ministry of Defence (MOD) resettlement staff. The MOD issues a Certificate of Cessation of Entitlement to Occupy Service Living Accommodation (see examples appended within Homelessness Code of Guidance) six months before discharge.

Prior to discharge from the forces applicants will need to provide:

- relevant armed forces discharge documentation detailing final date of discharge, length of service and details of all household members AND
- documentation confirming the requirement to leave any forces accommodation from the Ministry Of Defence Housing Directorate or other appropriate agency. (as noted above)

Once received their applications will then be considered for a Urgent/High Need priority award:

- Households including dependent children to be considered to be in priority need.
- Households containing single personnel or childless couples may also be considered to be in priority need should they have served for a period of not less than six years at the date of discharge, irrespective of assessment of 'vulnerability'.
- Other personnel being discharged from the forces with less than six years of service should also be assessed as to their vulnerability (as noted below).

Bolton Council will accept the date specified on the 'Certification of Cessation Of Right to Occupy' as the final date for which they are required to vacate , and will NOT require the MOD to pursue and secure possession via County Court eviction processes before offering assistance.

Should any such prioritised applicant fail to secure a suitable offer during this transition period they can also request assistance with alternative temporary accommodation whilst they pursue their housing application.

#### **5.5.1 Other circumstances of former armed forces personnel**

Assistance may be provided for those without intervening settled accommodation following discharge from the forces who are living in insecure accommodation arrangements, or those who are homeless or threatened with homelessness.

Those leaving the armed forces, whether applying in advance or post discharge, may also be considered for priority depending upon their individual circumstances.

Applicants who have access to suitable accommodation (for example if they are already owner occupiers of suitable & adequate accommodation that is available to them) may not be prioritised.

Those without suitable accommodation or having secured accommodation on a temporary basis only (for example in lodging arrangements), can be considered via the Part VII 'homelessness' assessment (or against any other relevant housing need that may exist).

### **5.5.2 Assessment of priority and vulnerability of armed forces personnel & their families**

Families with dependent children will generally be viewed as being in priority need ; and single people and childless couples will be assessed as to their vulnerability, notably:

- those with lengthy service and/or active service and/or any indications of post-traumatic stress related issues and/or injury be considered vulnerable and prioritised for assistance.
- This vulnerability may be as a result of recent service or service some considerable period before application.

Those returning from being stationed abroad will not be subject to the Habitual Residence test.

#### **Assessment of 'vulnerability'**

Applications from former members of the armed forces will need to be considered carefully to assess whether the applicant is vulnerable as a result of having served in the armed forces.

Those who are vulnerable as a result of having been a member of Her Majesty's armed forces have a priority need for accommodation. Armed forces will include a person who was previously a member of the (regular, territorial or other reserve) naval, military or air forces, including a person who has been released following detention in a military corrective training centre.

In considering whether former members of the Armed Forces are vulnerable as a result of their time spent in the Forces, the following factors will be taken into account:

1. the length of time the applicant spent in the armed forces (although authorities should not assume that vulnerability could not occur as a result of a short period of service);
2. the type of service the applicant was engaged in (those on active service may find it more difficult to cope with civilian life);
3. whether the applicant spent any time in a military hospital (this could be an indicator of a serious health problem or of post-traumatic stress);
4. whether HM Forces' medical and welfare advisers have judged an individual to be particularly vulnerable in their view and have issued a Medical History Release Form (F Med 133) giving a summary of the circumstances causing that vulnerability;
5. the length of time since the applicant left the armed forces, and whether he or she had been able to obtain and/or maintain accommodation during that time;

6. whether the applicant has any existing support networks, particularly by way of family or friends.

Any medical evidence from the MOD, including a Medical History Release Form may be of assistance.

If there is a need for particular type of accommodation, for example disabled access or other adaptations, case should be referred through to the Customer Support Team for consideration for the Adapted Housing Register.

### **5.5.3 Armed forces – local connection and assistance to bereaved spouses and partners**

Local connection shall be defined by the application of part VII Housing Act 1996 (as amended by the Homelessness Act 2002), however it being noted that where recent residence or family associations are limited, earlier residence or 'other' connections/special reasons shall be used to 'include' an applicant for assistance where appropriate (and not for purposes of exclusion).

It is also noted that 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) AND 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) also fall within the scope of this policy.

In addition, any housing application made by former service personnel\* within five years of discharge shall not be disqualified from consideration for an allocation (under part VI Housing Act 1996 & s146 Localism Act 2011) by virtue of a local connection. (\*This including those serving in regular forces currently or within the previous five years bereaved spouse or civil partner and members of reserve forces as noted above.) Within the Bolton allocation policy, those cases without a local connection whilst being 'qualified' and open for consideration for an allocation may however be placed within the Conditional Need band.

### **5.6 Conditions of an 'Urgent/High needs award**

Should a 'High / Urgent Need' priority be awarded this will apply for a limited period and/or maximum number of offers only. The period for which a 'High / Urgent Need' banding is awarded is referred to as **'the priority period'**.

The purpose of the awarding of a 'high/urgent need' banding for a 'priority period' is to provide and 'additional preference' or 'relative priority' to applicants already provided with a reasonable preference banding. Where this additional preference is awarded, this can be removed on account of a refusal of accommodation or failure to bid within a specified timescale.

Any outstanding offers of accommodation that may be open to the applicant at the time assistance of an 'High / Urgent Need' priority is being sought (whether made before or after the award of a priority) are relevant offers of accommodation and will be counted toward the maximum number of offers an applicant may receive with any such 'High / Urgent Need' banding priority award.



- **Households placed into and/or accommodated in temporary / homelessness accommodation** (including under a s193 duty or power to accommodate of the Housing Act 1996 as amended by the Homelessness Act 2002 and by the Homeless Reduction Act 2017), **the priority period will be up to 2 months or 1 suitable offer (whichever occurs first); or**
- **Households who have presented for assistance to the Council as threatened with homelessness and being assisted to prevent or relieve their homelessness** (who have not otherwise been placed into or accommodated in temporary / homelessness accommodation as above) **the priority period will be up to 2 months or 1 suitable offer (whichever occurs first); or**
- **Other households the priority period will usually be up to 3 months or 2 offers (whichever occurs first).**

The period of priority and maximum number of offers is more limited for households who are placed by Bolton Council into or are otherwise accommodated in temporary homeless accommodation and those who are also being assisted to prevent or relieve their homelessness under the terms of Part VII Housing Act 1996 (as amended). For anyone who is awarded a 'High / Urgent Need' banding and then needs to move into temporary accommodation provided by Bolton Council, the priority period and maximum offers may also change. (see 5.6 below)

**In exceptional cases** where Bolton Council either has no statutory duty to assist or the behaviour, risks or actions of a household may have rendered that household either no longer subject to such a duty or potentially to be considered 'unsuitable to be a tenant', **Bolton Council does reserve the facility to further consider such an applicant's / household's circumstances and if appropriate alter the terms of and/or provide an 'High / Urgent Need' banding priority award subject to condition(s) and/or restriction(s) or remove/change the banding/priority altogether.**

Any such consideration to vary the terms of a priority award for a particular applicant / household within the allocation scheme will in parallel also be considered in relation to homelessness as appropriate within the context of any duties or powers relating to Part VII Housing Act 1996.

Bolton Council may specify the provision of a 'High / Urgent Need' banding award for a specified period and/or number of offers. Bolton Council may also apply specific condition(s) or restriction(s) to that award and subject the application to on-going review. Conditions and restrictions may include for example details in relation to a need for specific type of property, specific areas or location, and/or behaviour or actions on behalf of the applicant and/or household (for example, to maintain regular agreed payments from former tenancy arrears, to engage with support and/or to desist from anti-social behaviour). Conditions may also be applied in consideration of availability and undue cost burden on the authority of maintaining a household in temporary accommodation.

Any such conditions, restrictions or changes will be considered on a case by case basis.

### **5.6.1 The 'priority period' and/or maximum offer considerations**

The 'priority period' and/or maximum number of offers will allow sufficient time and choice for a household to secure a suitable offer of accommodation. When reviewing the applicant's engagement with the process a number of considerations will be taken into account, including:

- Whilst expressing interest in properties, applicants must take into account any 'Lettings/Property Criteria' that apply. The applicant is responsible for ensuring that any expressions of interest made are appropriate. Bolton Council also reserves the right to place expressions of interest for the applicant to assist in the securing of an offer.
- Applicants will be expected to express a reasonable level of interest in a range of suitable properties across a range of areas. Guidance on what constitutes 'suitable' accommodation is available.(See Appendix 3) Applicants should ask for further details if required.
- Should an applicant fail to secure an offer of accommodation within this timescale, or secure an offer but fail to accept that offer, the priority awarded will be removed and the household will be placed into the 'Preference Need' or other appropriate band. The application may not subsequently be provided with further priority in relation to those particular circumstances.
- Applicants will be allowed to express interest in properties that are in high demand areas as can all applicants. However, applicants who fail to secure an offer within the priority period due to being unduly restrictive on areas of choice, may still be removed from the 'High / Urgent' need band.

#### **5.6.2 High need priority award and subsequent temporary accommodation placement**

**For any household awarded a high need priority** under the 3 month / 2 offer maximum in consideration of circumstances at the time which are out of scope of homelessness assistance (within the terms of the Housing Act 1996 as amended) who **subsequently present to the Council for homelessness prevention or relief assistance including requiring placement into temporary / homelessness accommodation** (under s193 of the Housing Act 1996) **during this priority period**, the following rules will apply for further offers or the length of the priority period (whichever occurs first):

##### **a) Number of offers:**

- Those who have accepted an offer or are under offer of suitable accommodation when placed temporarily will be accommodated until that offer is ready (subject to usual conditions of residence).
- Those who have not yet secured an offer when placed temporarily will be allowed to secure one suitable offer.
- Those who have previously secured suitable offer(s) outside any homelessness related priority and have already refused during the non-homelessness related priority period prior to the need for temporary / homelessness accommodation assistance, no more than one further offer will be allowed.

##### **b) Length of time priority will be awarded:**

- The priority period will run up to a maximum of two months from when high priority was originally awarded or for one further month from the date of temporary placement (whichever is longer). The priority period in any event will run for no longer than three months in total.

- The homelessness duty may be discharged prior to the end of the priority period if a suitable offer of accommodation has already been secured. Any refusal of a suitable offer prior to a temporary placement may be regarded as sufficient to discharge the duty.

### **5.6.3 Outstanding offers at time of assessment and award of priority**

- Any offers open to the applicant at the time assistance is being sought (whether made before or after the award of a priority) are relevant offers of accommodation and will be counted toward the maximum number of offers an applicant may receive with a high priority.

### **5.6.4 Review and extension of priority award**

Only in certain circumstances will a 'High / Urgent' priority be extended beyond the initial two or three month period. These will be considered on a case by case basis taking into account individual circumstances, including:

- These may include situations where a household has expressed a high level of interest across a reasonable range of properties and areas, however, has been unsuccessful due to the level of others also expressing interest at that time.
- Other reasons may arise where there is a demonstrable need for a property in a particular area and either: expressions of interest have not resulted in an offer; or there has been no suitable property advertised as available.
- Where a household has a particular and demonstrable need for a specific property type in a particular area, the applicant has a responsibility to bring this need to the attention of the 'priority housing need' assessor' dealing with the case at the earliest possible opportunity from the point at which an 'High/Urgent' need priority is awarded. Failure to do so may mean that any such reasons cannot be taken into account or relied upon at a later stage.
- The 'priority housing need assessor' will then consider whether this is a reasonable restriction to place on individual expressions of interest, and whether there are exceptional reasons to warrant the extension of the priority period and/or the securing of any further offer or not.
- Decisions on whether to extend the priority award may take into account a number of considerations, including:
  - any change in the customer's circumstances;
  - level and nature of expressions of interest;
  - any particular support needs relating to their re-housing;
  - the number of and level of demand for suitable properties advertised during the priority period;
  - the customer's short-list position for properties in which they expressed interest;

- any continuing responsibilities or discharge of functions for example in relation to homelessness assistance
- Customers will be notified whether an extension has been permitted and the detail of any extension. Customers have the right to request a review of a decision not to extend / withdraw any such priority award.

## **5.7 Property type, size and bedroom requirements**

Homes for Bolton will consider applicants for property types which are appropriate to the needs of their household. Preference for offers of bungalows will normally be given to customers aged 55 or 60 years and over, and to disabled customers with an appropriate housing recommendation which will be clearly defined by the criteria of any advertised property.

Preference for offers of adapted properties will normally be given to customers requiring the adaptations, as assessed by a council approved occupational therapist.

Homes for Bolton consider applicants for accommodation appropriate to the needs and size of their household. Applicants will generally have to meet the size and other criteria set out in the advert or the expression of interest may be rejected. Circumstances may arise where additional rooms are required and further consideration should be given in such cases, for example:

- where a customer requires a carer to live with them or there is equipment or adaptations which require more space
- to allow an adaptable property to be adapted, for example, to enable a through floor lift to be fitted
- on request from Children's Services, to enable a foster placement to continue.

Under Welfare Reform changes to Housing Benefit regulations will affect the assistance available to households (of working age) to enable them to pay their rent. As such in applying individual property criteria, Homes for Bolton partner landlords will consider this impact and may restrict certain type and size of properties by household make-up. In addition, the needs of foster children should be taken into consideration, however foster arrangements are often fluid

The Housing Benefit criteria allow one bedroom for:

- every adult couple (married or unmarried)
- any other adult aged 16 or over
- any two children of the same sex aged under 16
- any two children aged under 10
- any other child, (other than a foster child or child whose main home is elsewhere)

- a carer (or team of carers) who do not live with you but provide you or your partner with overnight care

When shortlisting applicants, Homes for Bolton partner landlords will usually provide a preference for households who meet the size criteria and who will not under-occupy the property. Those likely to under-occupy will be assessed on the basis of overall demand for the property, any transition in household composition, affordability and any other particular needs.

Unless there are exceptional circumstances, those not meeting the property criteria may not be assisted.

Whilst applicants with substantial & regular weekly staying contact arrangements with children (as a result of either a court order or an informal arrangement), may be considered for suitably sized accommodation to allow that staying contact, any such case will be assessed as noted and preference may be afforded to applicants who have children with them permanently.

In some cases it may be possible to permit customers to under occupy (or technically under-occupy in the case of for example foster care arrangements), or over occupy a property (if the customer elects to do so in certain circumstances), however partner landlords would have to satisfy themselves that any property was affordable for that household.

The table below gives a general guide ONLY to the property types and sizes that different household groups may be considered for Homes for Bolton and the partner landlords. The household types will be dependent upon the ages and gender of the children, the relationships between adults and other circumstances. Further restrictions may apply to certain types of property for example those which are sheltered or adapted.

**A guide to the property types available to different household groups**

PROPERTY TYPE											Sheltered - subject to minimum age/disability criteria		
Household Type	Studio Flat/1 Bed Flat	1 Bed House - subject to minimum age/disability or eligibility criteria	1 Bed Bungalow	2 Bed Flat/Maisonette	subject to minimum age/disability or eligibility criteria	2 Bed House	3 Bed Flat/Maisonette	subject to minimum age/disability or eligibility criteria	3 Bed House	4 Bed House	5+ Bed House	1 Bed	2 Bed
1 Adult	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									<input type="checkbox"/>	
2 Adults	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> singlex2	<input type="checkbox"/> <input type="checkbox"/> sin							<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> sing

					glex2								x2
3 Adults				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> sin gle s						<input type="checkbox"/>
Household with 1 child				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
Household with 2 children or max 5 children				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Household with min 5 children										<input type="checkbox"/>	<input type="checkbox"/>		
Household with min 7 children											<input type="checkbox"/>		

## 5.8 Disability Housing Register and Adapted Property Register

5.8.1 Certain applications may be accepted for inclusion within the Disability Housing Register (DHR). Such applications will be provided a preference in the matching and allocation of properties which may be suitable to meet particular identified disability housing needs.

5.8.2 Applications will usually only be accepted onto the DHR following an appropriate assessment and referral from or via one of the Council's disability social work teams accompanied by appropriate detail and confirmation of relevant housing needs. The relevant circumstances must have been assessed by an appropriate professional, i.e. Occupational Therapist or Disability Officer and appropriately referred as requiring an adapted or adaptable property.

5.8.3 The Homes for Bolton Choice Based Lettings team will work with partner landlords to identify properties coming available for allocation which have particular adaptations and would be suitable for matching with applications on the DHR. These properties will be managed via the Adapted Property Register (APR).

5.8.4 Applicants with a relevant disability housing need may be included within the DHR and/or provided with a priority within the general scheme (for purpose of expressing interest and shortlisting). Such a priority award would however only apply for properties which would be suitable to meet a particular relevant need, including the securing of an un-adapted property which is suitable for any required aids or adaptations.

5.8.5 Properties previously held within the APR for matching with DHR applications may be advertised and open to other applicants without a disability where such an adapted property has not been successfully matched with an applicant with disability housing needs.

## **5.9 Management Allocations of Accommodation**

5.9.1 There will be certain circumstances when vacant properties will not be advertised in the normal way. In such circumstances individual properties can be withheld from the normal advertisement route and utilised to meet the needs of individual households. The two broad categories for management route moves would be: a) to enable the appropriate management of the stock and/or b) to meet a particular need or manage risk.

5.9.2 There must be very clear reasons as to why a property need's to be allocated to an individual / household outside the normal process, for example, to ensure that accommodation is secured as a matter of urgency or where there is a clear need to maintain a tight control over the re-housing location.

Examples of when a management letting may be made include where the Homes for Bolton Partner needs to move a customer who is eligible:

- as a result of a legal obligation outside of Part 6 Housing Act 1996;
- as a result of a contractual/ partnership obligation;
- to make best use of housing stock; or
- on completion of a Family Intervention Project in a case where Bolton Council considers it appropriate to assist the family back into mainstream social housing from a Family Intervention Tenancy.

Examples of the types of circumstances when a Management Allocation may/ would be appropriate are shown in Appendix 2.

5.9.3 Applicants who are being assisted with a management allocation will normally be made one reasonable offer suitable to meet the particular need. Where possible the offer will take into account applicant preferences, for example of property type and area. In some circumstances however this may/will not be possible, for example in areas where demand for social housing is high and available properties are in short supply or in circumstances where for example the overriding purpose is the management of risk which may be in such circumstances where the applicant may otherwise be deemed unsuitable to be a tenant.

## **5.10 Applicants who have deliberately made their housing situation worse**

The Council will consider whether an applicant has deliberately made their housing situation worse to increase their housing need, and consequently improve their chances of rehousing through the Housing Register.

Applicants who have deliberately made their situation worse will be assessed on the basis of their circumstances before their deliberate actions.

- If the Council decides that the applicant has made their housing situation worse, the applicant will remain in the band that reflects their housing need before the deliberate action (or inaction) that made their situation worse.
- If the applicant was not on the Housing Register when the deliberate action (or inaction) that made their situation worse occurred, the assessment of housing need will be based on their housing need immediately before that date.

The assessment will be reviewed on request when there is a relevant change of circumstance(s) of the application being made. If the restriction is removed, the application will be placed in the band that reflects the applicant's current circumstances and their 'effective date' will be the date that the application was moved to the new band.

Those who have deliberately made their situation worse in order to take advantage of the housing allocations scheme may also be considered not to qualify for an allocation as they may be considered guilty of 'unacceptable behaviour'

## **6. Local Letting Policies (LLPs)**

The lettings policy will allow Bolton Community Homes Partner Landlords to operate clearly defined local lettings schemes to enhance the sustainability of defined communities. The principle of a local lettings policy will be to address localised issues, as identified by the partner landlord. These may include worklessness, the local economy, migration and other sustainability issues. They may also be proposed to address issues with demand & supply; and may adopt different approaches to advertisement, target marketing and shortlisting.

Where LLPs operate, preference for offers of accommodation may be given to applicants meeting specific criteria. These criteria should be clearly defined as well as any processes for receiving applications, shortlisting, offer and selection processes.

Shortlists will usually continue to be generated, identifying different banding and needs. LLPs will not discriminate unjustifiably, directly or indirectly on any equality grounds.

LLPs will be evidence based and approved for particular property descriptions in defined geographical areas, following consultation for example with elected members/ officers and the local community as appropriate. LLPs will be reviewed at least annually.

Consultation will be based on appropriate evidence and justification provided by the proposing partner landlord and presented in an appropriate format agreed with BCH and Bolton Council.

If supported by the relevant organisational senior manager; approval will be required by the appropriate board/committee and the request then forwarded to the Head of Bolton Community Homes and /or appropriate Council officer for sign-off, and implementation.

Details of local lettings policies should be made available by the provider landlord from housing offices and Bolton Council via Homes for Bolton.

## **7 Advertising and Expressions of Interest**

### **7.1 Choice based lettings – how it works**



Under the Homes for Bolton choice based lettings scheme, available BCH and other partner landlord and some Bolton Landlord Accreditation Scheme properties are advertised.

Homes for Bolton choice based lettings scheme allows customers the opportunity to make up to two expressions of interest in properties at any one time. Under the choice based lettings scheme, customers are expected to make expressions of interest in properties, rather than wait to be allocated a property by a provider landlord. Customers who require support with the and housing application process should contact the Homes for Bolton choice based lettings team or other Housing Options and Advice services or their local housing office for advice and assistance.

Additional properties are also advertised via Pinpoint (the Greater Manchester choice based lettings scheme), of which Homes for Bolton are a partner, As with Homes for Bolton, each property is advertised for a particular period of time and applicants can express interest in one property at a time via Pinpoint in addition to any Homes for Bolton expressions of interest if they are eligible to do so.

## **7.2 Advertising properties**

Available Homes for Bolton properties are usually advertised for one week, When some bank holidays occur, e.g. at Christmas, the advertising period may alter.

Details of available properties are advertised:

- on the Homes for Bolton website, [www.homesforbolton.org.uk](http://www.homesforbolton.org.uk)
- in the Homes for Bolton and Housing Options and Advice services offices and all local housing offices

Hard copy adverts are also circulated to a wide range of other customer contact points including Access Bolton, local UCAN centres, libraries, and a range of council customer contact services, such as Children and Adult services teams.

The property advert will provide details of the individual property and will stipulate which any particular property/lettings criteria which may apply for example what type of household will be considered for a particular property. Customers who do not meet criteria will not usually be considered for the property. If an applicant has any doubt over criteria they can speak to the Homes for Bolton team or the local housing office responsible for that property.

Customers can make expressions of interest in advertised properties by:

- using the Homes for Bolton website;
- e-mailing, texting or phoning the Homes for Bolton team; or
- calling in person at Homes for Bolton and Housing Options and Advice services or a neighbourhood housing office or one stop centre with facilities to receive expressions.

At the end of the advertising period, expressions of interest in Homes for Bolton for each property will be placed and ranked into a shortlist according to the allocations policy criteria, and the offer ordinarily made to the highest ranked suitable and eligible customer.

Properties will usually be offered in shortlisting rank order in turn, notwithstanding application of individual property criteria, other restrictions or allocation conditions or restrictions until the property is let. Feedback on advertised homes will be published on the Homes for Bolton website.

Housing providers may contact a number of applicants from the shortlist at one time to gauge interest however should still consider the applicants' in shortlist order and according to any criteria which may apply.

### **7.2.1 Subsequent refusal or withdrawal of offer**

In circumstances where an applicant accepts and later refuses an offer or an offer is later withdrawn, the housing provider may revisit the original shortlist until it is exhausted. Once exhausted the property may be placed into the Homes Available Now (HAN) advertising process, however this will depend upon the time elapsed.

In general, all properties are to be re-advertised (generating a further shortlist) where the preceding time from advert to shortlist being exhausted is in excess of 2 months.

Where the period from advert to shortlist being exhausted is less than 2 months, properties can then be progressed to a HAN. Exceptions to this may include in a small number of cases of peculiar property types such as 4 bedroom plus or properties with particular adaptations. These will need to be discussed with the re-let team manager and the Homes for Bolton Marketing team at Homes for Bolton.

### **7.3. Homes Available Now**

Properties which have not successfully been allocated and let following advert and shortlisting process may be placed into the 'Homes Available Now' (HAN) advert/category and may be allocated to the first suitable customer (who meets the lettings criteria and subject to appropriate landlord checks) to contact the landlord of that property directly.

Homes Available Now will usually be accompanied by specific landlord contact details.

Offers of Homes Available Now properties can be made before the end of the advertising cycle. Partner social landlords who advertise available properties through the Homes for Bolton choice based lettings scheme may use different lettings criteria to decide which customer to offer the property to.

Private landlords who advertise accredited or other properties through Homes for Bolton use their own criteria to assess applicants such as property size or other requirements, and will not necessarily select the customer with the highest priority as the successful applicant.

However, in the processes of the allocation and letting of housing and/or associated services no person or group of persons applying will be treated less favourably than any other person or group of persons because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### **7.4 Restrictions**

Landlords may place restrictions on certain properties e.g. pets cannot usually be kept in Homes for Bolton properties with a shared entrance.

Customers will be informed of any restrictions in the advert, in any conditional offer letter and/or during any part of the allocation/ lettings process.

## **8. Short-listing and Offers of Accommodation**

Offers of Homes for Bolton accommodation are made on the basis of the information provided by the customer on their application form and in any housing needs assessment. It is the customer's responsibility to inform Bolton Council or partner landlord of any changes in their housing circumstances.

Customers will only be made one offer of accommodation at a time. Once they have been made a provisional offer they may continue to make expressions of interest in further properties but may not be considered for other offers of accommodation. If the offer is refused or withdrawn then further offers may be made. If the offer is accepted no further expressions of interest or offers may be made or considered.

In exceptional circumstances, Homes for Bolton partners may withdraw an offer of accommodation, for example, with the customer's agreement, or where there is a change in the customer's circumstances which affects their application or where circumstances affecting the customer's application had not previously been disclosed or ascertained or the property is no longer available.

### **8.1 Shortlist applicants for a letting**

Homes for Bolton properties advertised through the choice based lettings scheme will normally be offered to the customer who has made an expression of interest in the property who has the highest level of housing need and/or has had this need for the longest period of time..

This will generally be in order of:

- housing need band: High Needs Plus, High/Urgent Need, General and then Conditional Need
- date of Priority award (if relevant)
- date of registration
- the customer meeting the lettings criteria stated in the property advert, for example, requiring the number of bedrooms, or meeting the requirements of a local lettings policy

### **8.2 Exceptions**

There may however be circumstances where it is appropriate to allocate outside this broad shortlist process. In any event, where the affected applicant is within a high/urgent need priority the particular housing need assessor should be contacted and involved in any such decision. Where there is other agency involvement they should at minimum also be contacted for awareness. A number of examples are detailed below:

### **8.2.1 Letting of adapted properties**

Homes for Bolton will generally make the offer of an adapted property to customers on the Disability Housing Register taking into account the recommendation of the Occupational Therapist or other appropriate professional. An adapted property advertised in error or matched after advertisement may be withdrawn or allocated to an applicant with an identified need for such a property.

### **8.2.2 Offer bypass reasons**

In certain circumstances the 'top ranked' customer on the shortlist will not be offered the property. In this case the customer must be notified of why they are not being offered that property. The circumstances where a customer may be bypassed are outlined below:

#### **8.2.2.1 Area Specific**

Used to bypass a customer who has been awarded a priority because they need to move to a particular locality but they are top of a shortlist for a property in a different area.

It can also be used where a customer needs to avoid a particular locality and be housed in a different area, for example:

a customer who has successfully completed a drug treatment programme who is top of a shortlist could be bypassed if the area is known to have a large proportion of other drug users or there is evidence of drug dealing in the area; someone who has been convicted of particular criminal offences and to allocate a property in a certain area may present heightened risks or re-offending; in order to minimize or reduce risks of violence from a former perpetrator of domestic violence.

In such cases however the provider should usually make the applicant aware of this and in certain circumstances agree this with the applicant and any other supporting agencies as appropriate.

#### **8.2.2.2 Anti-social and other unacceptable behaviour and associated orders or restrictions**

Used to bypass a customer for a property in an area they, or a

member of their household, is either prevented from entering or otherwise restricted from due to the conditions of an order associated with anti-social or other unacceptable behavior or injunctive action.

#### **8.2.2.3 Incorrect bedroom calculation**

Used to ensure the offer is not made to an applicant if they would substantially under / over occupy the property.

#### **8.2.2.4 Known perpetrator of violence / abuse in area**

Used to bypass an applicant if the letting would result in:

- a known and proven perpetrator of domestic violence/abuse, racial abuse or other hate crimes or threat being rehoused within the vicinity of the victim of the violence; or

- a customer previously evicted for anti-social behaviour being rehoused in the same area as the behaviour took place, even if the customer is now suitable to be rehoused.

#### **8.2.2.5 Local Lettings Policy**

Used to bypass a customer not given preference under an approved local lettings policy.

#### **8.2.2.6 Multi Agency Public Protection and high risk offender management.**

Used to bypass high risk offenders (sexual, violent and other offenders likely to pose a risk of serious harm) if:

- they would be housed near their victims or known associates; and/or
- they would be housed in an area or property type considered unsuitable and/or
- the letting would breach particular bail /probation / licence or other formal conditions that may apply or otherwise unduly compromise risk management of the particular case; AND
  - following appropriate consideration officers and agencies under MAPPA (Multi Agency Public Protection Arrangements) and other associated high risk offender management processes.

All such cases must be raised with the appropriate housing MAPPA co-ordinator / lead, Offender Manager and/or other MAPPA agency as appropriate and/or detailed within application notes. Any decision is to be led by the appropriate public protection agency, with any disagreement or dispute brought to the attention of the Bolton Council MAPPA housing co-ordinator / lead.

#### **8.2.2.7 Property type - ineligible**

Used to bypass a customer who is ineligible for a property type, e.g. a 25 year old non-disabled applicant for sheltered or adapted accommodation.

#### **8.2.2.8 Support package**

Where an applicant is assessed as requiring a particular level and nature of support in order to be capable of sustaining a tenancy in an appropriate manner, and without that support the applicant may otherwise be deemed 'unsuitable to be a tenant'. Used to bypass an applicant who has no appropriate support package in place where one is recommended by the caseworker/appropriate agency; and in the view of the support agency, a person requires a support package which cannot be obtained straight away. This may apply for example to: 16/17 years olds; and those with a range of support needs not being met or engaged with adequately. Appropriate liaison must be undertaken with relevant agencies.

#### **8.2.2.9 Administrative reasons**

This enables the offer to be made to the applicant who has held the highest priority for the longest time according to the lettings policy, should the CBL shortlist not be generated in the correct order or where there other system malfunction or error occurs, for example incorrect inputting banding, application or effective date or delay in alteration to application details due to normal processing delays..

## **9. Refusal of an Offer**

Should an applicant refuse an offer of accommodation, this may affect how that application is subsequently viewed. A refusal or series of cumulative refusals may result in:

- the Council fulfilling any legal obligations or duties it may have to that applicant and a possible discharge of relevant functions by virtue of any such refusal(s);
- the banding of that application being changed including removal of a priority banding; or
- the application being cancelled.

When a customer refuses an offer of accommodation made either through expression of interest/shortlisting or by a management letting, the relevant partner will consider whether the refusal was reasonable and inform Homes for Bolton / Bolton Council of its decision, recording any such outcome within the ICT / administrative facilities as appropriate.

### **9.1 Assessment of refusal**

Every decision will be made on a case by case basis however the partner will take into account the following factors:

- property size – based on the customer's assessed bedroom requirements;
- property type – based on the lettings policy criteria;
- property condition – whether the property meets the lettings standard, or will meet it following repairs;
- whether an adapted property has the potential to meet a disabled customer's needs. This will be based on the recommendation or assessment of an appropriate professional or other supporting agency, i.e. Occupational Therapist, Disability Officer or appropriate social worker/support agency;
- geographical location of the property – whether the property is suitably located for relevant and identified needs and/or considering the reason for any priority award;
- the demand for and supply of similar properties in the customer's preferred areas; and
  - in consideration of any delay between date of offer / acceptance and the property being ready and available for sign-up.

### **9.2 Unreasonable refusal**

Where an offer is made of a suitable property (in terms of size, type, condition and geographical location), Homes for Bolton will generally consider a refusal to be unreasonable unless other relevant factors apply. Homes for Bolton will also take into account whether the customer made an expression of interest in the property they subsequently refused – Homes for Bolton is a choice based lettings scheme, and unless an offer is forthcoming through some other route, most offers are provided following an applicant making a positive expression of interest.

If a customer refuses an offer from a partner landlord solely because there is no right to buy or right to acquire associated with the property, Homes for Bolton will consider this to be an unreasonable refusal.

Applicant's with a priority award are notified of the effect of refusal and may lose their priority preference should they unreasonably refuse a suitable offer or a number of offers specified. In this event notwithstanding any other restriction, the application would remain on the housing register in the appropriate band. The applicant will be able to express interest in future properties which may result in further offers being made.

Should a customer refuse a suitable offer of accommodation made via a management letting, depending upon the circumstances they may no longer be considered for a further management allocation at that time. In this event, notwithstanding any other restriction, the application would remain on the housing register in the appropriate band. The applicant will be able to express interest in future properties which may result in further offers being made.

### **9.3 Refusal of offer – removal of priority**

Customers have the right to request a review of the decision to remove their priority following the refusal of an offer(s) of accommodation. Statutorily homeless customers have an additional right to request a review of the suitability of the accommodation offered to discharge Bolton Council's duty to them, regardless of whether or not they accept the offer. If an offer letter is returned by the Post Office as undelivered, Bolton Council will class the offer as refused and the housing application may be cancelled.

## **10. Lettings to Housing or Related Staff**

### **10.1 Applicants, members of their household and relatives who are:**

- Elected Members of Bolton Council
- BCH Board members
- employees of Bolton Council or other BCH Partners

must declare their interest in their housing application

### **10.2 Offer approval**

When an offer of accommodation is to be made to a member of staff, or to a member of their household, the relevant partner or Homes for Bolton will ensure the offer has been approved by a member of staff with appropriate seniority within the appropriate organisation(s).

## **11. Appeals, Reviews and Complaints**

### **11.1 The right to review**

Applicants have a statutory right of review of certain decisions in relation to applications and allocations made within the scope of Housing Act 1996 Part VI. This includes decisions:

- about the facts of the case
- that the customer is subject to the 'unacceptable behaviour' provisions of s.167(2C); or
- under s.160A(9) (ineligible for housing because of immigration status or unacceptable behaviour).

In practical terms the types of decisions which may be covered may relate to (but not exclusively): eligibility for an offer such as relate to immigration status; behavior or outstanding rent arrear debts which may have resulted in an application being cancelled; offer withdrawn; a change to the application banding or other restriction.

#### **11.1.1 Decisions – Bolton Council and Homes for Bolton partners**

Decisions made in relation to the housing application and allocations processes may be made by either the Council or by a partner landlord. Whichever organisation makes a particular decision will be responsible for consideration of any resulting review / request for review. For example, upon receipt of an application, the Council may make a decision regarding eligibility and similarly a partner landlord may do so when considering a particular allocation. Any such refusals to allocate are decisions for partner landlords to make within the scope of their allocations policy which should be consistent and in line with the Homes for Bolton / Council policy. Any review of such decisions rest with a more senior officer not involved with the earlier decision including within a provider's organisation as appropriate, with any review decision being made in consultation and agreement with Bolton Council.

#### **11.1.2 Requesting a review**

A customer must request a review within a reasonable time period, usually 21 days unless otherwise agreed, of being notified of the decision. When a request for a review is made Homes for Bolton will at the applicants request advise the applicant about the review process, including guidance on how to present information for the review to consider. It will usually be required for the applicant to provide any such request and supporting information in writing. If this is not possible, further advice and assistance may be provided as appropriate.

The right to request a review is in addition to the statutory right to review for homelessness decisions (Housing Act 1996, Part 7). Applicants must request a review under Part 7 within 21 days of being notified of the decision.

### **11.2 Compliments and complaints**

In addition to the review/ appeals process, Bolton Council has a compliments and complaints procedure. Homes for Bolton is committed to providing services that are efficient and effective, and is committed to equal access for all. In the case of a complaint, where possible, Homes for Bolton will resolve it there and then.



Customers can make a compliment or complaint about Homes for Bolton services:

- By using the Homes for Bolton or Council website [www.homesforbolton.org.uk](http://www.homesforbolton.org.uk) or [www.bolton.gov.uk](http://www.bolton.gov.uk) click on the tab 'Your Council' and follow complaints, compliments and comments.
- By contacting the dedicated Customer Services Division on (01204) 338021
- An Access Bolton Minicom service is also available. Call us on (01204) 331926
- In person at an appropriate Council building or office
- By emailing Bolton Council at [bolton@bolton.gov.uk](mailto:bolton@bolton.gov.uk)

### **11.3 Confidentiality**

All complaints are dealt with in the strictest confidence and any information on our files fully complies with the Data Protection Act 1998.

### **11.4 Local Government Ombudsman**

The Local Government Ombudsman office investigates complaints of injustice arising from maladministration by local authorities and certain other bodies. They investigate complaints about most council matters including housing. The Ombudsman can investigate complaints about how Bolton Council has done something, but they cannot question what a council has done simply because someone does not agree with it. A complainant must give Bolton Council an opportunity to deal with a complaint against it first, using its complaints procedure.

If the complainant is not satisfied with the action Bolton Council takes, he or she can send a written complaint to the Local Government Ombudsman, or ask a Councillor to do so on their behalf.

The Local Government Ombudsman can be contacted at:

PO Box 4771

Coventry

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