

## **ALLOCATIONS SCHEME**

### **HARROGATE BOROUGH COUNCIL**

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Housing & Property  
Harrogate Borough Council  
PO Box 787  
Harrogate  
HG1 9RW

Telephone: 01423 500 600

E-mail: [housingallocations@harrogate.gov.uk](mailto:housingallocations@harrogate.gov.uk)

Website: [www.harrogate.gov.uk](http://www.harrogate.gov.uk)

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## **GLOSSARY OF TERMS**

### **Applicant**

A person who applies to join the Housing Waiting List, including existing social housing tenants

### **Children**

Dependents in a household, aged under 18 years of age

### **Eligibility**

Assessment of whether an applicant has the right to access social housing in accordance with the relevant legislation

### **Fixed Term Tenancy**

Introduced under the Localism Act 2011, these are council tenancies let on a fixed term agreement (not for life)

### **Mutual Exchange**

Where two or more social housing tenants swop their homes. Each tenant agrees to move into the others home on an as seen basis

### **Nomination Agreement**

An agreement which sets out the way that councils and Registered Providers work together to help those in housing need. They state the percentage of vacant properties that the Registered Provider will make available to those applicants nominated from the council's Housing Waiting List

### **Qualification**

Assessment of whether an applicant qualifies to join the Housing Waiting List under criteria set under the allocations scheme

### **Registered Provider**

The official name for housing associations that are registered with the Homes & Communities Agency

### **Social Housing**

Low cost housing that you rent or part rent/part buy from a council or Registered Provider

### **Sub-regional Partnership**

A group of councils working together, in this case the York, North Yorkshire and East Riding area

### **Supported Housing**

Specific accommodation schemes for particular groups of people, such as young people under 25 years of age, with support provided. The schemes are generally up to two years, with the aim that residents move on to independent living

## **SECTION ONE INTRODUCTION AND BACKGROUND**

### **The Allocations Scheme**

The Harrogate district is an area of high demand for social housing. There is a scarcity of affordable housing and a high number of people who wish to be housed. There is also a substantial level of homelessness across the district.

The allocations scheme is the housing policy we use to prioritise households in housing need for an offer of social housing and seeks to make best use of the number of properties owned by the council and partner Registered Providers (commonly known as Housing Associations) via nomination rights, that become available to let each year. We work within the legal and statutory framework governing the allocation of social housing. The scheme also takes into account local need and demand as well as local housing conditions.

Currently there are seven times as many households on the Housing Waiting List as properties becoming available each year. Even if an applicant is accepted onto the Housing Waiting List, this does not guarantee that they will ever be made an offer of accommodation.

The allocation scheme is subject to periodic review to ensure that the allocation of social housing continues to be fair and objective, whilst meeting statutory requirements and local need and priorities.

### **Aims and Objectives**

The allocations scheme is a points based scheme. The aims and objectives are:

- To meet the legal requirements for the allocation of social housing as set out in Part 6 of the Housing Act 1996, the Homelessness Act 2002 and the Localism Act 2011, to allocate suitable accommodation to households in greatest housing need
- To work to meet the council's responsibilities to homeless households in the district, to prevent homelessness and to reduce placement in temporary accommodation
- To make best use of the council and our partner Registered Provider stock and any other stock available to us
- To ensure that empty properties are let quickly and efficiently to minimise rent loss
- To allow applicants to express choice in selecting their accommodation wherever possible (with restrictions for statutory homeless applicants accepted under Part 7 of the Housing Act 1996)
- To provide information on the availability of homes to enable applicants to make realistic choices about their housing options
- To ensure accessibility to all those in housing need
- To promote sustainable communities

## **Statement on Choice**

Applicants are given the opportunity to express their choice on the type and location of their preferred accommodation. Statutory homeless applicants, who are owed the main homelessness duty under Part 7 of the Housing Act 1996, will be made one suitable offer of accommodation in accordance with Sections 193 (7) and 202 of the Housing Act 1996.

However, applicants must choose a minimum of four out of the sixteen lettings areas across the Harrogate district and one of those areas must include either Harrogate, Knaresborough or Ripon.

Applicants will be restricted to the size of property that meets their housing need in line with the Housing Benefit Regulations and the removal of the spare room rate subsidy for social housing tenants. In the case of part time residency of children, the children will not be regarded as part of an applicant's household as they have an existing home with one parent and the applicant will be restricted to a property that meets their size requirements.

In exceptional cases an additional bedroom may be considered. Further information on the circumstances in which an additional bedroom may be considered can be found at Appendix 3.

Applicants will be considered for all social housing vacancies, regardless of whether they are within our own stock, or that of partner Registered Providers.

Advice and assistance will be given to applicants to allow them to make informed and realistic choices about the type of accommodation that best meets their housing needs and aspirations.

## **The Legal Framework**

In framing this allocations scheme, we comply with the relevant legislation, including, but not exclusively: the Housing Act 1996, the Homelessness Act 2002, the Data Protection Act 1998, the Human Rights Act 1998, the Equality Act 2010 and the Localism Act 2011. We also take due account of Case Law, best practice and government Regulations and Guidelines such as the Code of Guidance on Allocations 2012 and Social Housing Allocations for Local Authorities in England 2013.

The allocations scheme is also compatible with local and sub-regional housing and tenancy, housing and homelessness strategies.

## **Information Sharing, Confidentiality and Data Protection**

All information received relating to an applicant's housing application will be treated as confidential in accordance with the Data Protection Act 1998 and held securely. Information will only be shared when consent has been given as part of the

application process, however consent will not be required where there is a public safety interest, or for the purpose of the prevention or detection of crime and fraud. By submitting an application, an applicant is agreeing to information sharing with other statutory and voluntary agencies, including other housing providers, health professionals, support providers, police, probation, Social Services and private landlords, as deemed necessary, in order to assess the application and/or to provide the applicant with advice and assistance regarding their rehousing.

### **Information Provision**

We are required to provide information regarding our allocations scheme. We will provide a free summary of the allocations scheme to any member of the public that asks for one. We will also provide a full copy of the allocations scheme, which can be inspected at our Customer Access Centres in Harrogate and in Ripon. We will provide a full copy of the allocations scheme (at a reasonable cost) to any member of the public that asks for one.

The full copy and summary are available on our website at [www.harrogate.gov.uk](http://www.harrogate.gov.uk).

Records are kept and monitored of the entire allocations process, to provide information on the type and location of accommodation becoming available. This information will provide an indication of the length of time that applicants have to wait, based on their housing need and refusal rates after viewing.

### **Personal Information**

Applicants have a right to see the information held about them and receive a copy of information held on a computer, or on a paper file. This is a "Subject Access Request", for which we will charge a reasonable administration cost. Personal information will be handled in accordance with the Data Protection Act 1998 and will be subject to the appropriate confidentiality.

### **Equality and Diversity**

We will ensure that our policies are non-discriminatory and will aim to promote equal opportunity by preventing discrimination on the grounds of gender, colour, race, religion, nationality, ethnic origin, disability, age, sexual orientation or marital status. Statistical information is collated on an anonymous basis from data recorded on Housing Waiting List application forms and is analysed to determine both those applying for and being allocated housing, to demonstrate whether housing resources are distributed according to need and will highlight any inequality in the allocation of particular property types, or within any particular location of the district.

Although equality and diversity monitoring is by self-assessment by the applicant as part of the applications process, it does not mean that those applicants who considered themselves as disabled, will be considered for accommodation suitable for disabled people. Such property is usually allocated following a recommendation from our Medical Assessment Panel, or by using other assessments, such as an Occupational Therapist report and will be dependent upon the type of property and the nature of the adaptations that an applicant is assessed as requiring.

## **Local Lettings Policies**

Under the provisions of Section 166A(6)(b) of the Housing Act 1996, we will on occasions implement local lettings policies for specific schemes or areas, to enable us to allocate particular accommodation to applicants of a particular description, whether or not they fall within the reasonable preference groups (have priority for housing). The decision to implement a local lettings policy will be approved by the Cabinet Member (Housing & Safer Communities) and be made available to members of the public.

Where local lettings policies are introduced, clear evidence will be provided of the need to vary the usual allocations scheme. Local lettings policies are designed to be time limited and will be monitored to ensure that they do not discriminate directly or indirectly on any equality ground and that reasonable preference is still given overall to applicants in the reasonable preference grounds.

Details of our current local lettings policies are found at Appendix 9.

## **Sensitive Lets**

On occasions, a partner Registered Provider will request that a nomination be dealt with as a sensitive let, to facilitate the management of a specific scheme or area.

Sensitive lets can be used in the following circumstances:

- The previous tenant has caused significant neighbour nuisance, which has taken significant time and resources to resolve
- Where there has been significant drug and/or alcohol related nuisance
- Where there has been significant noise nuisance

The targeted allocation of the property could reduce such issues by ensuring that the next tenant is unlikely to cause a similar nuisance. Sensitive lets are not, therefore, necessarily based on housing need and priority on the Housing Waiting List.

Registered Providers do have the power of veto in respect of a nomination, but this must be exercised reasonably and detailed grounds provided for a refusal to accept a nomination.

## **SECTION TWO JOINING THE HOUSING WAITING LIST**

Only applicants who are eligible for housing and who qualify for an allocation of accommodation will be able to join our Housing Waiting List and be considered for an offer of accommodation. If an applicant is already on our Housing Waiting List and is found to be no longer eligible for housing or to no longer qualify for housing, their application will be cancelled and they will be notified accordingly.

### **An Allocation**

For the purposes of Part 6 of the Housing Act 1996, we allocate accommodation when we:

- Select a person to become a secure or introductory tenant of accommodation within our own stock; or
- Nominate a person to become a secure or introductory tenant of accommodation held by another housing authority; or
- Nominate a person to become an assured tenant of accommodation held by a private Registered Provider.

The term “assured tenant” includes a person with an assured shorthold tenancy, including of an affordable rent property. The term “secure tenant” includes a person with a flexible tenancy granted under Section 107A of the Housing Act 1985.

### **Who is Eligible to Join the Housing Waiting List?**

Anyone aged 16 years of age or over may apply to join the Housing Waiting List. Applicants aged 16 and 17 years of age must have an identified trustee who can hold any tenancy on their behalf until the age of 18. Trustees can be a person or an organisation and will not have a financial liability. Further information on trustees is found at Appendix 1.

**Inclusion on the Housing Waiting List does not guarantee an offer of accommodation, as there are many more applicants than properties available.**

### **Who is Not Eligible to Join the Housing Waiting List – Persons from Abroad**

A person may not be allocated accommodation under Part 6 of the Housing Act 1996 if he or she is a person from abroad who is ineligible for accommodation under Section 160ZA of the Housing Act 1996. There are two categories for the purposes of Section 160ZA:

- (i) A person subject to immigration control – such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in Regulations made by the Secretary of State (Section 160ZA(2)), and
- (ii) A person from abroad other than a person subject to immigration control – who comes within a class of persons prescribed by the Secretary of State

as ineligible to be allocated housing accommodation by local housing authorities.

The Regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation of accommodation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No. 1294) (“the Eligibility Regulations”) as amended by the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019.

Persons who are able to produce evidence of an in time Appeal of their leave to remain will be treated as though they continue to have leave to remain.

We will refer to the relevant UK Border Agency Guidelines to ensure compliance with current immigration legislation.

### **Who May Qualify to Join the Housing Waiting List - Local Connection Requirement**

The Housing Act 1996 Section 160ZA (amended by the Localism Act 2011), states that social housing may only be offered to a qualifying person and we have the power to determine what classes of person are or are not qualified to be allocated social housing.

Only applicants with a local connection to the Harrogate district will qualify to join the Housing Waiting List.

A local connection is established by way of one or more of the following:

- An applicant currently lives in the district and has done so for at least two years
- An applicant has previously lived in the district for a continuous period of ten years
- An applicant has close family living in the district, who have done so for at least five years, e.g. children, parents, brothers and sisters only
- An applicant has employment in the district. Employment must be for a minimum period of 12 months, at least 16 hours per week and the main place of work must be within the district

Residence in hospital, prison, residential schools, student accommodation (where it is not an applicant’s principle home) and Approved Premise under licence do not gain a local connection.

The only exceptions to this are:

- Statutory homeless applicants accepted under Part 7 of the Housing Act 1996
- Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing\*
- 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

ceased to be entitled, to reside in Ministry of Defence accommodation following the death of the service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service\*

- Existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service\*
- Households accepted by the Housing Needs Manager under the National Witness Protection Scheme
- Social housing tenants in England that need to move into the Harrogate district to take up an offer of employment, under the Right to Move Regulations 2015

### **Who May Not Qualify to Join the Housing Waiting List**

Certain applicants who apply to join the Housing Waiting List, including current social housing tenants who wish to move, may not qualify to join and these include persons:

- With anti-social behaviour issues that has caused or is likely to cause a serious nuisance
- With rent arrears
- Who own their own home or reside with a household member who is a home owner
- Who have savings of over £120,000
- Who have a combined household income of £60,000 per annum
- Who have provided false information and/or deliberately withheld information
- Who have deliberately worsened their housing circumstances with the intent of increasing priority
- Who have refused two suitable offers of accommodation

### **Applicants Who Do Not Qualify Due to Unacceptable Behaviour**

Applicants may not qualify to join the Housing Waiting List where (a) the behaviour of the applicant and/or (b) behaviour of a member of his/her household, if he/she were a tenant of the council or a tenant of a Registered Provider, would have entitled the housing provider to a Possession Order under Section 84 of the Housing Act 1985 on any of the grounds mentioned in Part 1 of Schedule 2 to that Act (excluding Ground 8).

This includes nuisance and rent arrears relating to the applicant's current and/or last settled tenancy in both social or private sector tenancies. Rent arrears are defined as including any money owed to Harrogate Borough Council, any other Local Housing Authority, a Registered Provider or a private landlord in the form of non-payment of rent, former tenant arrears, temporary accommodation charges, rechargeable repairs, claims under a Rent Bond/Deposit Scheme, or associated Possession Order Court Costs. Amounts under £200.00 may be disregarded for this purpose.

Some applicants with rent arrears may be accepted onto the Housing Waiting List, but be deferred from active consideration for a fixed period, or usually three or six

Months pending further investigation and/or to allow repayment of rent arrears to

\*In accordance with The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012.

their landlord/former landlord.

Applicants who have been evicted under the grounds for Possession introduced Under Section 94 to Section 100 of the Anti-Social Behaviour, Crime and Policing Act 2014, will be regarded as non-qualifying under the grounds of unacceptable behaviour. This includes both the mandatory ground for Possession (Section 94 to Section 96 for secure tenants and Section 97 for assured tenants) and the discretionary grounds under Section 98 to Section 99.

The full policy for dealing with applicants with a history of unacceptable behaviour is found at Appendix 2.

### **Home Owners**

Social housing is a scarce resource. Applicants that own a property in the UK or overseas will not normally qualify to join the Housing Waiting List, as they are regarded as having sufficient assets to resolve their housing situation through the housing market. This also includes an applicant with an adult household member who owns a property in the UK or overseas. Applicants will be given advice on alternative housing options available.

Property can include narrow boats, caravans and mobile homes (both residential and holiday sites) as well as other dwellings that are suitable for occupation.

Statutory homeless applicants accepted under Part 7 of the Housing Act 1996, may not be included in this policy, as it would not be in our best interests to delay rehousing these applicants due to the significant costs in providing temporary accommodation.

Home owners can express an interest in intermediate rental and/or purchase schemes, which are not subject to our usual nomination rights, subject to meeting any local connection requirements. Further information on this can be found in Section Six Other Housing Options.

However, we do recognise that some older people, aged 60 plus, cannot either stay in or adapt their own home and need to move to specialist accommodation i.e. sheltered or extra care housing. Each case will be assessed on its merits by the Allocations Team Leader and where there would otherwise be hardship because of insufficient resources to meet their housing needs elsewhere, they will be allowed onto the Housing Waiting List and priority awarded in accordance with our allocations scheme.

## **Sufficient Financial Resources**

Applicants with a combined annual household income of £60,000 or above and/or savings of £120,000 or above\* will not normally qualify to join the Housing Waiting List, as they have sufficient resources to resolve their housing needs elsewhere.

\*This excludes any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active duty.

They will be given advice on alternative housing options available. They can, however, express an interest in intermediate rental and/or purchase schemes.

Further information on intermediate housing can be found at Section Six Other Housing Options.

## **Giving False Information/Deliberately Withholding Information**

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

Anyone found guilty of such an offence may be fined up to £5,000 and any tenancy obtained as a result of false or misleading information can be terminated.

Applicants who are found to have made fraudulent claims will have their application cancelled and will not qualify to join the Housing Waiting List for a minimum period of 12 months from the date of cancellation. Applicants can make a fresh application at the end of the 12 month period. Their application will be assessed on the current information provided and will be from the date that the new application is made.

## **Deliberately Worsening of Circumstances**

Applicants have a responsibility not to deliberately worsen their housing circumstances in order to increase their priority on the Housing Waiting List and should make best use of the accommodation that they have.

Should an applicant give up more suitable accommodation, or where a deliberate act results in a worsening of circumstances, their application will be cancelled for a minimum of 12 months and they will need to make a fresh application after this time period has expired. The application will be assessed on the current information and start from the date that the new application is made.

## **Refusal of Two Offers**

We acknowledge that applicants may not be in a position to make a firm decision on an offer of a property until such time as the property has been viewed. However, there is a high demand for social housing and applicants should think carefully about the type and location of properties that they wish to be considered for. Unreasonable refusals delay other applicants in housing need moving into a property, incur costs in lost staff time and can result in a loss of rental income. If an applicant refuses two suitable offers of accommodation (a property type and location requested by the

applicant), their application will be cancelled for a minimum of 12 months and they will need to make a fresh application at the end of the 12 month period. The application will be assessed based on the current information and start from the date that the new application is made.

Statutory homeless applicants who are owed the main homelessness duty under Part 7 of the Housing Act 1996, will be made one suitable offer of accommodation in accordance with Sections 193(7) and 202 of the Housing Act 1996, which could be an allocation of social housing through the allocations scheme, or an offer of suitable accommodation within the private rented sector made by the Housing Options Team outside of the allocations scheme to discharge the council's homelessness duty\*. The statutory duty will be discharged where a suitable offer is refused in these circumstances.

## **Decisions and Reviews**

Applicants have a right to request a Review against decisions made under the allocations scheme. These include:

- A decision that they are not eligible for an allocation of accommodation under Section 160ZA(2) or (4) of the Housing Act 1996
- A decision that they are not a qualifying person under Section 160ZA (6) and (7) of the Housing Act 1996
- A decision to cancel an application
- A decision to defer an application for a set period of time
- A decision in respect of any information which is being taken into account in considering whether to make an offer of accommodation

Applicants also have a right to information to enable them to determine whether they have been granted reasonable preference and how long they may have to wait for an offer of accommodation.

Further information on the Review procedure can be found at Appendix 4.

\*In accordance with the Homelessness (Suitability of Accommodation) (England) Order 2012.

## **SECTION THREE HOW TO APPLY**

New applicants can apply for housing by completing a Housing Waiting List application form and supplying additional information to support their application. Before applying for housing, applicants are advised to consider other housing options that may help improve their housing situation.

Application forms and information leaflets are available at our Customer Access Centres in Harrogate and in Ripon. Applicants can visit these offices for information, advice and support. Further information is also available on our website at [www.harrogate.gov.uk](http://www.harrogate.gov.uk), including information on other housing options available in the district.

### **Joint Applicants**

Joint applicants can be accepted. Both applicants must be eligible for an allocation of accommodation, aged 16 years of age or over (any person aged 16 or 17 years of age needs a trustee) and intend to occupy the property together as their only or main home. In some cases one partner may be a person from abroad who is ineligible due to their immigration status and the other partner will, therefore, be registered as the sole applicant.

Dependents, family members or other adults who are not partners of the applicant cannot usually be joint applicants.

If joint applicants wish to change to sole applicants (for example due to relationship breakdown), they will need to notify us and one of the applicants will need to make a new application if they wish to remain on the Housing Waiting List. The previous application will continue in the name of the partner with residency of any children.

### **Multiple Applications**

Multiple applications are not allowed and an applicant can only appear on one application. If an application is already registered, the applicant must decide which application they wish to remain on and all other applications will be cancelled.

### **Applications from Employees, Members and their Close Relatives**

Applications can be accepted from council employees, elected local authority Members, partner Registered Provider employees and their close relatives, provided they are eligible to join the Housing Waiting List. The term employees also includes former employees. Applicants must disclose such status or relationship at the point of application.

Members of staff involved in the assessment of Housing Waiting List applications and allocation of both council and partner Registered Provider properties should declare an interest in writing, to the Housing Needs Manager, if at any time, they become aware that they may have to deal with an application and/or allocation involving a member of their family or a close friend. This will then be passed to

another member of staff to deal with. This is to protect staff from any allegations of impropriety from members of the public.

The Head of Housing & Property will approve an allocation to employees, Members and/or their close relatives.

### **Applicants of No Fixed Abode**

Applicants of no fixed abode must give a contact address on their application form.

### **Applications from Prisoners**

Applicants can apply to join the Housing Waiting List whilst in prison and will be assessed in accordance with the allocations scheme, on the basis of the accommodation available to them upon their release from prison. We are committed to delivering the principles of the York and North Yorkshire Offender Housing Protocol (reissued in July 2014). Offender Managers and/or Prison Resettlement Services will work with an applicant prior to and after their release to address any barriers to rehousing and to avoid the statutory homeless route. Depending upon the nature of their conviction, applicants may also be subject to our Potentially Dangerous Offender (PDO) procedure, prior to being considered for an offer of accommodation. Further information on the PDO procedure can be found at Appendix 5.

Applicants in prison, who are shortlisted for an offer of accommodation, will be overlooked unless they are within four weeks of their release, as they are clearly unable to take up the tenancy.

### **Applications from Hospital**

Applicants can apply to join the Housing Waiting List whilst in hospital and will be assessed in accordance with the allocations scheme on the basis of the accommodation available to them upon their discharge from hospital. Applicants who are unable to return to their home because it is permanently unsuitable and their needs cannot be met by a care package (which may include adaptation works) will be assessed as homeless. Written confirmation will be required by the relevant Health and/or Social Services Departments, setting out the reasons as to why the applicant cannot return to their home.

### **Fresh Applications**

Applicants who have previously been regarded as ineligible and/or do not qualify to join the Housing Waiting List, or have had their application cancelled, may make a fresh application if they consider that they should now be treated as eligible and/or qualifying. It is the responsibility of the applicant to show that his/her circumstances have changed or the period of exclusion has elapsed.

## How Applications are Processed

Once an application form has been received at one of our Customer Access Centres, it is sent through to the Allocations Team. This is done by courier to ensure safe arrival.

Once received in the Allocations Team, applications are logged on a database by date of receipt and acknowledged within five working days. Applications are assessed by the Allocations Team prior to being entered onto our Integrated Housing Management System (IHMS), to ensure that all the relevant information has been provided in order to assess the application correctly. Further supporting information may be requested from the applicant at this time in order to fully assess the application. Failure to respond to a request for information within 28 days will generally lead to cancellation of the application and the applicant will be notified in writing. Should an applicant wish to continue with their application, they will need to make a fresh application, which will start from the date that the new application is received.

Applicants will receive written confirmation that their application has been assessed within 28 working days of initial receipt. This will include:

- Their unique application reference number
- A breakdown of the points awarded under the allocations scheme

Applicants must check the accuracy of the points award, as it is used to determine their priority on the Housing Waiting List for receiving an offer of accommodation.

During the application process, applicants may also be asked to provide supporting evidence to verify their personal circumstances. This may include (but not exclusively limited to):

- Two copies of identification for the main applicant and joint applicant, one of which must include confirmation of the National Insurance Number and proof of address
- Where appropriate, proof of:
  - child benefit
  - Savings
  - Income

We may also:

- Seek tenancy references from current and/or former landlords
- Obtain supporting information from other organisations
- Carry out a home visit

If requested, additional information must be provided within 28 days. Failure to do so will generally lead to cancellation of the application and the applicant will be notified in writing. Should an applicant wish to continue with their application, they will need to make a fresh application, which will start from the date that the new application is received.

It is the responsibility of the applicant to provide supporting information and evidence with regard to their application.

All applicants will be visited at home prior to receiving an offer of council accommodation. During the home visit, the applicant (or both applicants, in the case of a joint application), will be asked to provide evidence to verify their identity and National Insurance Number. Documentary evidence can include:

For Identity:

- Passport
- Driving licence (photo card)
- Home Office acknowledgement letter (Right to Remain)
- Birth, Marriage or Civil Ceremony Certificate
- Bank statement
- Recent utility bill from current address

For National Insurance Number:

- Benefit entitlement letter
- Payslip from current employer
- Latest P45 or P60
- National Insurance Number card
- Letter from Inland Revenue or DWP

Applicants will also be asked to provide a passport sized photograph, which should show the whole of the face and be less than six months old. If an applicant is unable to provide a photograph, or refuses to provide a photograph for religious or cultural reasons, they must provide another form of photographic identification such as a passport.

Confirmation of verification and the photograph (photographs in the case of joint applicants) are forwarded to the relevant Neighbourhood Team should an offer of accommodation be made. Applicants should take the exact documentation previously verified when invited to sign up for the tenancy.

In the case of applicants that live out of the district, verification will take place at sign up, with a photograph being taken.

### **Age Restricted Properties**

There are a number of properties with our stock that are restricted to applicants of a certain age or above. The age limits are aged 30 years of age or older and aged 60 years of age or older. Applicants who do not meet the necessary age criteria will not be considered for these properties.

Disabled applicants, in certain circumstances, can be considered for an age restricted property even if they do not meet the necessary age criteria. Disability in this instance is not restricted to physical disability, but also includes applicants with mental health problems and learning difficulties.

If a disabled applicant has a housing need which may be met by allocating a property which has an age restriction applied, the Allocations Team will refer the application to the Housing Needs Manager, to consider whether, under special case arrangements, to lift the age restriction taking into account:

- The circumstances of the application
- The accommodation being considered
- The relative demand for the accommodation from all other applicants
- The possible other housing options available

The age restriction would normally only be lifted if the applicant's specific needs could only be met by allocating a property subject to an age restriction. Lifting the age restriction does not in itself mean that the applicant is given additional priority on the Housing Waiting List, but merely that the applicant is allowed access to age restricted properties.

Disabled applicants must normally be in receipt of high rate Disability Living Allowance (DLA) or enhanced Personal Independence Payment (PIP) to be considered under special case arrangements.

Our partner Registered Providers also have properties in the district that are subject to age restrictions. These may vary across the Registered Providers. Applicants that do not meet the necessary age criteria cannot be considered for these properties.

### **Sheltered Housing/Harrogate Lifeline Service**

The council has six sheltered housing schemes of purpose built flats for any person aged 60 years or older who are still able to live independently, but who would benefit from the support and security of an Independent Living Officer (formerly known as a warden) available during normal working hours. Facilities include a communal lounge, laundry and guest bedroom. Properties are linked to a 24 hour emergency call centre for total cover 365 days a year. Applicants must have an identified support need following completion of a support needs assessment.

Applicants can express an interest in individual, or all of our sheltered housing schemes.

Younger disabled applicants can be considered for sheltered accommodation subject to a support needs assessment (see also Age Restricted Properties).

We also offer an Independent Living Support Service to any person aged 60 years of age or older, living in any council accommodation, with an identifiable support need following completion of a support needs assessment. Support is provided by an Independent Living Officer via a Harrogate Lifeline unit using the property's telephone landline.

Sheltered housing and the Harrogate Lifeline Service are subject to an additional support charge.

Further information on sheltered housing and the Harrogate Lifeline Service is available on our website at [www.harrogate.gov.uk](http://www.harrogate.gov.uk).

## **Adapted Properties**

We have a number of properties in our stock that have been adapted for people with physical or sensory disabilities. An adapted property will normally contain one or more of the following features:

- Level access shower
- Wet room
- Lowered kitchen units
- Ceiling tracking and hoists
- Stairlift
- Through floor lift
- Ramps/level access

We will endeavour to make the closest match between an adapted property and the level of adaptation required by shortlisted applicants. This is to ensure that these properties are being used to their maximum potential, making best use of resources and saving money by not having to adapt properties elsewhere.

Adapted properties are only allocated to applicants following a recommendation from our Medical Assessment Panel and/or an Occupational Therapist report.

Where there are no disabled applicants identified for an adapted property, applicants being offered the property should not expect that the adaptation will be removed, or the property reinstated to its original condition, for example removing a level access shower and installing a bath again.

Applicants with disabilities may be shortlisted for properties that have not been adapted. However, the shortlisted applicant may be overlooked if it is not reasonable and practicable to adapt the property to meet the needs of the applicant. This decision is recorded and verified by the Allocations Team Leader. Applicants may need to make a financial contribution towards the costs of any adaptations that are carried out to meet their needs, depending upon their individual circumstances. Further information on the financial means test for adaptations is available the Allocations Team.

## **Planning Conditions – Section 106**

A number of our partner Registered Provider properties, particularly in rural areas, are subject to a Section 106 (Town and Country Planning Act 1990) agreement, where there is a legal obligation that applicants must have a local connection to the specific neighbourhood (usually defined by Parishes) in which the property is situated. All other applicants can only be considered if there are no applicants with the required local connection.

## Offers of Accommodation

Applicants for vacant properties will be shortlisted in accordance with their housing need in line with their priority awarded under the allocations scheme. When two or more applicants are tied at the top of the shortlist, the applicant who has been on the Housing Waiting List for the greatest length of time is deemed to be in first place.

The Allocations Team will investigate whether or not the property matches all the needs of the applicant in first place on the resulting shortlist. On occasions there may be valid reasons not to offer an otherwise suitable property to an applicant, for instance health advice has been received that an applicant needs a property in a quiet location and the property on offer is on a major road, or that an applicant cannot sustain a tenancy without a support package in place and this cannot be arranged before the proposed start of the tenancy – such issues cannot be catered for in the generation of a shortlist.

If it can be demonstrated that the property does not match the needs of the applicant, then this is recorded and the decision verified by the Allocations Team Leader. The Allocations Team then proceeds to investigate the suitability of the property for the next applicant on the list and the process continues until a suitable shortlisted applicant is identified. All offers and nominations to partner Registered Providers are verified by the Allocations Team Leader.

A shortlisted applicant will be visited at home prior to receiving an offer of council accommodation. Applicants will also be visited at the request of partner Registered Providers prior to a nomination. A home visit may also be undertaken at any time in the application process to confirm an applicant's circumstances. The relevant Neighbourhood Team will carry out transfer visits to existing tenants wishing to move.

The purpose of home visits can be summarised as the following:

- To confirm the information provided on the application form
- To confirm the points awarded under the allocations scheme
- To confirm the current circumstances and that there has been no deliberate worsening of circumstances and/or false information provided
- To confirm the state of repair with regard to disrepair points
- To check for tenant damage to the property (social housing tenants only)
- To assess the vulnerability of the applicant and to determine if a referral to another agency, such as Social Services, is required

In addition, for allocations to a sheltered housing scheme, an Independent Living Officer will visit to complete a support needs assessment and to explain the service available.

A shortlisted applicant will receive written notification that they have been provisionally pre-allocated a property and asked to return an acceptance/refusal slip within two days of initial receipt to indicate whether they wish to accept/refuse the provisional offer of accommodation. The applicant will then be given the opportunity to view the property prior to making a final decision on whether to accept it. The

relevant Neighbourhood Team will endeavour to arrange an accompanied viewing to the property whenever possible.

Properties that are pre-allocated during the previous tenant's four week notice period will be withdrawn if the tenant changes their mind about moving.

The applicant will be allowed a maximum of two days after viewing to make a decision about whether to accept the property. If there are extenuating circumstances, an extension of time may be given, for instance if an assessment by an Occupation Therapist for adaptation work is required.

All new tenancies commence on the Monday following provision of keys to the applicant. Where keys are made available on a Monday, the tenancy will commence from that date.

Applicants will not be penalised if they refuse an offer of accommodation; however where more than two suitable offer of accommodation have been refused, the application will be cancelled and removed from the Housing Waiting List for a minimum of 12 months. This decision is subject to Review. Further information on the Review procedure can be found at Appendix 4.

Note: Statutory homeless applicants who are owed the main homelessness duty will be offered accommodation in accordance with Sections 193(7) and 202 of the Housing Act 1996. The statutory duty owed will be discharged where a suitable offer of accommodation is refused in these circumstances.

## **Tenancy Type**

As part of the Localism Act 2011, we are required to publish a tenancy policy, explaining the different types of tenancy that we offer, when they will be offered and what the different tenancy type mean for new tenants.

The Localism Act allows all social housing providers to offer fixed term tenancies, rather than secure (or lifetime) tenancies, to help make better use of housing stock and increase the number of homes available for households in housing need in the longer term.

Applicants receiving an offer of council accommodation will be offered a 12 month introductory tenancy.

From 1 September 2013, all new tenants moving into a property with two or more bedrooms will be granted a 12 month introductory tenancy, followed by a five year fixed term tenancy. The only exception to this are tenants moving into a sheltered housing scheme. At the end of the five year term, we will decide whether to grant a further five year fixed term tenancy.

All new tenants moving into a one bedroom property will be granted a 12 month introductory tenancy, followed by a secure tenancy.

A new tenant will not be an introductory tenant if, immediately before the tenancy started, the applicant, or in the case of joint applicants, one of more of them was:

- A secure tenant of the same property, or of any other property (with any landlord) or
- An assured tenant of a Registered Provider (but not an assured shorthold tenant) in respect of the same or another property

Fixed term tenancies will not apply to tenants on a secure or assured tenancy who transfer properties, as they will remain on a secure or assured tenancy.

Applicants nominated to a vacancy with a partner Registered Provider will be offered an assured shorthold tenancy or an assured tenancy. Every Registered Provider must publish information on the type of tenancy that they offer.

### **Applicants' Responsibilities**

- Applicants are responsible for giving full and accurate details on all forms and correspondence regarding their application for housing
- Applicants must inform the council of any change in circumstance immediately. Any additional points awarded as a result of a change in circumstance will only be effective from the date of the change if notification is received within 28 days of the actual change
- Applicants must complete a new application form if they move house, so that their housing need can be reassessed. Their application will be treated as continuous if the new form is received within 28 days of the change of address. If applicants fail to notify the council within 28 days of a change of address, their application will be cancelled. If an applicant re-applies for housing in the future, their application date will be the date that the new application is received and will not be treated as continuous
- Applicants should reply to correspondence from the council or partner Registered Providers which needs a reply, within the timescale specified
- Applicants who are made an offer or are nominated to a partner Registered Provider vacancy should let the council know their decision about whether to accept it within the timescale specified
- If information is not supplied within the timescale specified, the council may cancel an application, or withdraw an offer/nomination
- Applicants must re-register on the Housing Waiting List periodically when they are sent a review form (usually on the 12 month anniversary of their original application). If the form is not returned in the timescale specified, the application will be cancelled. If an applicant wishes to continue with their application, a new application form must be completed, which will start from the date that the new application is received.

### **Cancelling Applications**

Applications will be cancelled in the following circumstances:

- A failure to provide verification information within the timescale specified
- A failure to advise of a change of address within the timescale specified

- A failure to re-register on the Housing Waiting List within the timescale specified
- A request has been made by the applicant (or their named representative) to cancel the application
- An applicant has been rehoused by the council or a partner Registered Provider, or has carried out a mutual exchange
- An applicant has purchased a property/shared ownership property and is now a home owner
- A sole applicant has died
- An applicant does not qualify to join the Housing Waiting List
- An applicant is no longer eligible to join the Housing Waiting List

Applicants have the right to request a Review of the decision to cancel their application. Further information on the Review procedure can be found at Appendix 4.

## SECTION FOUR ASSESSING HOUSING NEED

To ensure that those households in greatest housing need are given preference (priority) for an allocation of accommodation, we must give reasonable (but not over-riding or absolute) preference to the following categories of people in accordance with Section 166A(3) of the Housing Act 1996:

- People who are homeless within the meaning of Part 7 of the Housing Act 1996 (including those that are intentionally homeless and those not in priority need)
- People who are owed a duty by any housing authority under Sections 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under Sections 65(2) or 68(2) of the Housing Act 1985), or who are occupying accommodation secured by any housing authority under Section 193(2)
- People occupying insanitary 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
- People who need to move to a particular locality in the district, where failure to meet that need would cause hardship (to themselves or others)

Under The Allocation of Housing (Qualification Criteria for Right to Move)(England) Regulations 2015, existing social housing tenants in England are given reasonable preference if they need to move into the Harrogate district to avoid hardship and they either work or have been offered work in the district and have a genuine intention to take up the offer of employment. Further information on the Right to Move can be found at Section Five Existing Social Housing Tenants.

These categories are not discrete and applicants can fall into one or more categories. This is known as cumulative preference.

There is no requirement to give equal weight to each of the reasonable preference groups and we can decide which applicants within a particular category should be given priority over others.

In addition, under Section 166A(3)(3), we give additional preference to a person who falls into a reasonable preference group and is considered to have urgent housing needs, where the person:

- Is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service, or
- Formerly served in the regular forces in the five years preceding their application for housing, or
- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- Is serving or has served in the reserve forces in the five years preceding their application for housing and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

This is in accordance with the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012.

Our allocations scheme is a points based scheme. Once an applicant is accepted as eligible and qualifies to join the Housing Waiting List, their application is assessed in accordance with the allocations scheme and points are awarded to reflect an applicant's current circumstances and their housing need.

## **The Housing Allocations Points Scheme**

### **1. Security of Tenure**

If an applicant's tenancy is for a fixed period of time they will be awarded additional points if they are either:

- Not under immediate threat of losing their current accommodation **5 points**

This includes the following:

- Applicants with an assured shorthold tenancy
- Applicants living in a recognised supported housing scheme under licence
- Applicants living in tied accommodation linked to their employment (this includes Armed Forces Personnel)
- Applicants living with close family/other relatives/friends who do not form part of their household
- Applicants lodging with another household

- Under immediate threat of losing their current accommodation **15 points**

This includes the following:

- The applicant has been served with a valid, legal, written notice to quit by their landlord and the Housing Options Team are satisfied that the landlord intends to implement the notice
- The applicant is subject to a County Court Possession Order
- The applicant's employment is coming to an end and they have to leave their tied accommodation (this includes Armed Forces Personnel)
- The applicant has been asked to leave by close family/other relatives/friends who do not form part of their household
- Statutory homeless applicants who are owed the main homelessness duty under Part 7 of the Housing Act 1996 and are placed in temporary accommodation by the council
- The applicant is of no fixed abode and/or is sleeping rough
- The applicant is about to be discharged from hospital and cannot return to their home because it is no longer suitable
- On party to a joint secure, introductory, fixed term, assured or assured shorthold tenancy has given notice, ending that tenancy for the other

party and the landlord is not willing to grant a new sole tenancy to the remaining party or to provide suitable alternative accommodation

- The tenant of a property has died and the remaining party in the property has no right of succession and the landlord is not willing to grant a new tenancy or to provide suitable alternative accommodation
- The applicant has lost their home due to their landlord having the property repossessed
- The valid service of a Compulsory Purchase Order or Emergency Prohibition Order
- The applicant's home is due to be demolished
- The termination of an Agricultural Tenancy under the terms of the Agricultural Tenancies Act 1976 (ADHAC)

In addition, statutory homeless applicants will be awarded 100 points on the date that the duty is determined, which will increase by 10 points per calendar month thereafter.

## 2. Applicants with Children Under 13

Applicants with one or more children under the age of 13 will be awarded additional points if they are:

- Living in a flat above ground floor **10 points**
- Without a garden/enclosed play area **5 points**

These points will not be awarded to statutory homeless applicants.

## 3. Medical Priority

Our Medical Assessment Panel will award additional medical points to applicants whose health detrimentally affected by their current housing. Applicants will need to complete a self-assessment form. Further information on the Medical Assessment Panel is found at Appendix 6.

Category 1	Medical condition not affected by present accommodation	<b>0 points</b>
Category 2	Medical condition affected minimally by present accommodation	<b>5 points</b>
Category 3	Medical condition affected moderately by present accommodation	<b>10 points</b>

Category 4	Medical condition significantly affected by present accommodation	<b>20 points</b>
Category 5	Medical condition severely but not exceptionally affected by present accommodation	<b>30 points</b>
Category 6	Medical condition is severely and profoundly affected by present accommodation	<b>45 points</b>

#### 4. Social Needs

Additional points may be awarded if an applicant needs to live in a lettings area (not the one that they current live in) for a specific social and or welfare reason, e.g. for employment, because of educational need, or to give support to, or to receive support from a relative. Further information on social needs points can be found at Appendix 7.

**Min**  
**10 points**  
**Max**  
**20 points**

Existing social housing tenants in England meeting the Right to Move criteria are awarded 20 social needs points.

#### 5. Under Occupying Social Housing Tenants

All social housing tenants (both council and Registered Provider, with a secure or assured tenancy, including a fixed term tenancy), who are under occupying their current property will be awarded additional points if they are:

- Under occupying by 1 bedroom **100 points**
- Under occupying by 2 bedrooms or more **200 points**

#### 6. Time On Waiting List

Points are awarded annually (on the anniversary of the date of the initial application), provided an applicant is awarded points in categories 1,2, 3, 4, 5, 8, 9, 10, 11, 12, 13

**4 points**  
**per year**  
**Max**  
**20 points**

#### 7. Local Connection

Applicants will receive additional points for a local connection **25 points**

to a specific letting area in which they wish to be rehoused if:

- They currently live in the letting area and have done so for at least two years
- They have previously lived in the letting area for a continuous period of ten years
- They have close family living in the letting area, who have done so for at least the last five years e.g. children, parents, brothers and sisters only
- They have employment in the letting area. Employment must be for a minimum of 12 months, at least 16 hours per week and the main place of work must be in the letting area

## **8. Separation of Family**

Applicants will be awarded additional points if they are required to live apart from the rest of the household due to an inadequacy of available accommodation. Points are awarded in respect of the applicant's established home, not any temporary accommodation which they may currently occupy.

**25 points**

## **9. Disrepair**

Applicants may be awarded additional points following a home visit by a member of the Allocations Team if the following categories of disrepair are present:

- Severe Disrepair – serious damp/water penetration, dangerous wiring, dangerous access/internal stairs etc., demonstrating danger to health and or the safety of an applicant **30 points**
- Moderate Disrepair – non-functioning heating/hot water facilities, moderate dampness problems, which may result in health problems **15 points**
- Low Disrepair – window/roof repairs, leaking gutters, blocked drains etc., which are inconvenient/unpleasant, but do not present a risk or danger **5 points**

Additional circumstances may arise which are not detailed above and these will be categorised in accordance with the general principles.

Additional points will not be awarded if it is possible for repair work or other remedial action to be carried out within a reasonable timescale.

In the most urgent of cases and particularly in respect of Category 1 Hazards identified under the Housing Health and Safety Rating System (HHSRS), with an applicant's permission, a referral will be made to the our Private Sector Housing Team, to consider whether any further action should be taken.

## 10. Amenities

Additional points will be awarded if an applicant's home does not have (is lacking) the following facilities, or they are shared with other people who are not members of the applicant's household and who will not be moving with them:

	<i>Lacking</i>	<i>Sharing</i>
Living room	<b>5 points</b>	<b>2 points</b>
Separate kitchen	<b>10 points</b>	<b>5 points</b>
Separate bathroom	<b>10 points</b>	<b>5 points</b>
Toilet	<b>20 points</b>	<b>5 points</b>
Piped water supply	<b>20 points</b>	-
Hot water supply	<b>10 points</b>	-
Req. number of bedrooms	<b>10 points</b>	-

Applicants lacking one or more bedrooms will also be awarded five points per month on the anniversary of the date that the overcrowding started, up to a maximum of 75 points.

Any accommodation with a combined bedroom/living room area will be classed as a bedsit, even though it may have a separate bathroom and/or kitchen. An applicant who lives in a bedsit will be regarded as lacking a bedroom.

There is no special provision made for caravans or mobile homes under the allocations scheme

These points will not be awarded to statutory homeless applicants.

## 11. Special Case

The points scheme has been devised to take account of most circumstances, but on occasions there may be applicants in exceptional circumstances, or whose needs are so complex that

**Unlimited**

they are not truly reflected in the total points awarded under the allocations scheme. In these instances the Housing Needs Manager may award additional special case points, to ensure that an applicant secures an immediate offer of accommodation.

Special case is intended to be reserved for the most urgent cases only and can include cases where rehousing is needed to protect the health and/or safety of an applicant or member of their family.

Referrals for special case points are made by officers within the Housing Needs Team (both the Allocations and Housing Options Teams) and the Neighbourhood Services Team (in the case of secure tenants). Self-referral by an applicant, or their representative is not possible.

However, an applicant or their representative can provide evidence to the referring officer to support their application. This can include (though not exclusively): a summary of events which led up to the application being made; reports from police; educational professionals; health, social and community services, or other agencies involved with the case.

Special case points are awarded to secure one suitable offer of accommodation only. If an applicant refuses an offer of accommodation, the applicant will be referred back to the Housing Needs Manager to determine whether the additional special case points should be removed. The Housing Needs Manager can also impose other conditions, for example ensuring that victims of domestic abuse are not rehoused in areas where they may be at risk. An applicant's circumstances will be monitored and the additional points can be reviewed and/or removed if an applicant's circumstances have changed.

Special case arrangements may also be used in the following circumstances:

- On written notice by a joint secure tenant of Harrogate Borough Council that they wish to end the tenancy, a new sole secure tenancy for the same property may be granted to the remaining joint tenant at the discretion of the Housing Needs Manager
- On written notice by a secure sole tenant of Harrogate Borough Council and the proposed joint tenant, a new joint secure tenancy for the same property may be granted at the discretion of the Housing Needs Manager
- Category 6 medical priority, where a severe and profound effect on an applicant's health and well-being will result if the applicant remains in his/her current accommodation and immediate rehousing is absolutely essential. Further information on medical assessments can be found at Appendix 6
- To allow a disabled applicant to be considered for an age restricted property

- ADHAC applicants, to ensure that we comply with our statutory responsibility to use our “best endeavours” to secure accommodation for the applicant
- An emergency move to a place of safety, where there is evidence to show that the applicant and/or a member of their household is experiencing harassment of a serious, targeted and persistent nature, which they could not reasonably have prevented or avoided through their own actions and where there is no other way of resolving the problem without resulting in a serious risk of harm. In this instance the following definitions are used:  
 Serious – violence used, or threats of violence likely to be carried out; extensive property damage; harassment based on race, sexuality or disability  
 Targeted – specifically aimed at the individual; related exclusively to the property; not experienced by anyone else in the immediate neighbourhood  
 Persistent – number of repeated incident over a recent defined period of time; likelihood of further incidents assessed by police/other agency
- Applicants threatened with homelessness, where by reason of a disability, there is no suitable temporary accommodation available within our provision

## 12. Moving on from Supported Accommodation

Applicants who have completed an approved support plan in a recognised housing scheme and are ready to move on to independent living may receive additional points. Further information on this can be found at Appendix 8. **50 points**

## 13. Armed Forces

Armed Forces Personnel/former Armed Forces Personnel will be awarded additional points if they are in a reasonable preference group and have a recognised urgent housing need, for instance are homeless, living in unsatisfactory conditions or need to move on medical and welfare grounds AND meet one of the following:

- Is serving in the regular forces\* and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service, or **35 points**
- Has formerly served in the regular forces in the five years

preceding their application for housing, or

- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- Is serving or has served in the reserve forces\*\* in the five years preceding their application for housing and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

For this purpose "the regular forces" and "the reserve forces" have meanings given by Section 374 of the Armed Forces Act 2006(4).

\*The regular forces means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force.

\*\*The reserve forces means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

## SECTION FIVE EXISTING SOCIAL HOUSING TENANTS

Existing social housing tenants (both council and Registered Provider) can apply to join the Housing Waiting List and will have their priority assessed in accordance with the allocations scheme.

Tenants will not normally be allowed to move if:

- They are within the first 12 months of a new tenancy, unless there has been a significant and profound change in their circumstances, which has been assessed and approved by the Allocations Team Leader
- They are introductory/starter/demoted tenants
- They owe rent to their landlord or any other housing debts (this includes former tenant arrears, temporary accommodation charges, rechargeable repairs, claims under a rent bond/deposit scheme, associated Possession Order Court Costs). Further information on this can be found at Appendix Two.
- They are in breach of other tenancy conditions and their landlord has started formal action in respect of these breaches
- Their property has been adapted to meet their needs, unless the adaptations are no longer required by any member of the household

Where an applicant is an existing secure tenant or an assured tenant of a Registered Provider, the tenant cannot be regarded as ineligible under Section 160ZA of the Housing Act 1996 for an offer as accommodation on the basis of their immigration status.

Existing tenants are encouraged to consider mutual exchange and to register with swapandmove, the national home swap service, at [swapandmove.co.uk](http://swapandmove.co.uk). It is free to register if you are a tenant of Harrogate Borough Council. Further information on mutual exchanges is available on our website at [www.harrogate.gov.uk](http://www.harrogate.gov.uk).

Certain lettings of secure tenancies are exempt from the requirements of Part 6 of the Housing Act 1996 and our allocations scheme does not therefore apply to:

- Succession on the death of a tenant
- Assignment by way of exchange (a mutual exchange referred to above)
- Assignment to a person who would be qualified to succeed if the tenant had died immediately before the assignment
- The assignment is pursuant to a Property Transfer Order under Section 24 of the Matrimonial Causes Act 1973

Registered Provider tenants' rights to succeed and to assign tenancies are detailed in the Housing Act 1988 and further information is available from the relevant Registered Provider.

The renewal of a fixed term tenancy of the same property does not fall within Part 6 of the Housing Act 1996 and are not covered by our allocations scheme.

Temporary decants to allow refurbishment of a property, where the current tenant will return to the property once all the work has been carried out, do not fall within Part 6 of the Housing Act 1996 and are not covered by our allocations scheme.

Applicants from temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current rent arrears or in breach of temporary accommodation/licence/tenancy conditions where Court action and/or eviction is imminent.

In certain circumstances, we may be able to provide assistance to our own under occupying tenants, who have been offered a smaller, more affordable property, in accordance with our Hardship Fund. Further information on our Hardship Fund is available from Neighbourhood Services on 01423 500 600.

## **Right to Move**

On 27 March 2015, the Department for Communities and Local Government published "The Allocation of Housing (Qualification Criteria for Right to Move)(England) Regulations 2015", which state that a local connection criteria may not be applied to existing social housing tenants seeking to transfer from another local authority district in England who:

- Have reasonable preference under Section 166(3)(e) of the Housing Act 1996 because of a need to move to the local authorities district to avoid hardship, and
- Need to move because the tenant works in the district, or
- Need to move to take up an offer of work and the tenant has a genuine intention to take up the offer

This is to ensure that existing tenants who are seeking to move between local authority areas in England for work related reasons are not disadvantaged.

Transferring tenants must have reasonable preference, that is not simply that they wish to move, but that they need to move to a particular locality of the Harrogate district, where failure to meet that need would cause hardship. In determining whether a tenant needs to move, a number of factors will be considered, including:

- The distance and/or time taken to travel between work and home
- The availability and affordability of transport, taking into account level of earnings
- The nature of the work and whether similar opportunities are available closer to home
- Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
- Whether failure to move would result in the loss of an opportunity to improve employment circumstances or prospects, for example, by taking up a better job, promotion or an apprenticeship

In addition, work must be regular, for at least 12 months, a minimum of 16 hours per week and the main place of work must be in the Harrogate district.

The term work includes an apprenticeship, but excludes voluntary work, where no payment is received or the only payment is in respect of any expenses reasonably incurred.

We will require supporting evidence to confirm that the work or job offer is genuine and this may include (but not exclusively limited to):

- A contract of employment
- Wage/salary slips covering a certain period in time, or bank statements (this is likely to be particularly relevant in the case of zero hours contracts)
- Tax and benefits information
- A formal offer letter

We may also contact the employer to verify the position.

We will seek confirmation that the tenant meets the Right to Move criteria both at the time of the initial application and when considering making an allocation of housing.

We need to strike a balance between the interests of transferring tenants who need to move to the Harrogate district for work related reasons and the demand from other applicants in identified housing need. In order to do so, we have set aside 1% of the number of properties that we expect to allocate each year, under the Right to Move Quota, solely for transferring tenants meeting the Right to Move criteria. Information on the demand for and the lettings outcomes in relation to the Right to Move Quota will be published on our website at [www.harrogate.gov.uk](http://www.harrogate.gov.uk).

## **SECTION SIX OTHER HOUSING OPTIONS**

We will give all applicants information on other housing options that may be available to them, to assist the applicant in making a reasonable choice as to their best prospect of securing suitable accommodation.

### **Registered Providers**

Some Registered Providers operating in the Harrogate district still continue to maintain an independent waiting list and will assess an applicant's housing need in accordance with their own allocations scheme. Further information on Registered Providers is available on our website at [www.harrogate.gov.uk](http://www.harrogate.gov.uk).

### **Intermediate Housing**

Some Registered Providers offer properties for intermediate rent.

Intermediate rent properties are properties at a rent of 80% of the market value. They are intended primarily for households in work, who, whilst paying a subsidised rent, will be able to save for a deposit to buy a property on the open market at some point in the future. Intermediate rent properties may also be subject to a Section 106 (Town and County Planning Act 1990) agreement, whereby applicants must have a local connection to the neighbourhood in which the property is located.

Intermediate rent properties may be advertised on our website and applicants can express an interest in this property type. We do not have nomination rights to these properties, but we will provide the Registered Provider with the contact details of all interested applicants. The Registered Provider will then determine who will be offered the property. This may not necessarily be the applicant in greatest housing need.

### **Shared Ownership**

Some Registered Providers offer properties for shared ownership. We also have a small number of shared ownership properties in our own stock.

Shared ownership is designed for people who cannot afford to buy a house on the open market but still want to get on the property ladder. Applicants must be able to raise mortgage finance to purchase a property.

An initial share is bought (usually 25% to 75%) and then the rent is paid on the remaining part. There are two monthly payments, one for the mortgage and one for the rent. However, this is still less than the full mortgage would be on the open market. The other share in your home remains in the ownership of the Registered Provider or the council. It may be possible for you to increase or decrease the share you own in the future, which is known as stair casing. Unless your home is within a restricted village area, it may be possible to buy 100% of your home outright so it becomes a traditional open market property.

As with intermediate rent properties, we do not have nomination rights to shared ownership properties, but will advertise them on our website and provide the Registered Provider with contact details of all interested applicants. Shared ownership properties may be subject to Section 106 criteria.

When you want to sell your shared ownership property, usually you will simply sell the share that you own. We can help you with marketing the property on our website.

You can buy a home through shared ownership if your household earns £80,000 per annum or less and any of the following apply:

- You are a first time buyer
- You used to own your own home, but cannot afford to buy one now
- You are already own a share in a shared ownership property

If you are interested in intermediate rent or shared ownership properties, please e-mail [affordablehousing@harrogate.gov.uk](mailto:affordablehousing@harrogate.gov.uk), to register your interest and receive regular updates.

### **Help to Buy**

The government's Help to Buy initiative is available through the Help to Buy agent for the North East, Yorkshire and Humberside at [helptobuyneyh.co.uk](http://helptobuyneyh.co.uk). This scheme offers a 10% to 20% equity loan funded by the government through the Homes and Communities Agency on new build properties. With a Help to Buy equity loan, the government loans you up to 20% of the cost of a new build home, so you only need a 5% deposit and a 75% mortgage to make up the rest. Help to Buy equity loans are open to both first time buyers and those wishing to move, on new build homes worth up to £600,000. You will not be permitted to sub-let your home if you have a Help to Buy loan.

### **Extra Care**

The Registered Provider, Hanover, has a number of schemes in the Harrogate district that provide the additional personal care of a traditional residential home, but within the independence of the resident's self-contained flat.

We do not have nomination rights to these schemes. Further information is available from Hanover, who can be contacted on 0800 280 2575, or on their website [www.hanover.org.uk](http://www.hanover.org.uk)

### **Private Renting**

Our Housing Options Team can provide advice on finding private rented accommodation. They can be contacted on 01423 500 600. Alternatively, a Housing Options Officer is available at our Customer Access Centre in Harrogate.

## **APPENDIX 1 APPLICATIONS FROM MINORS (YOUNG PEOPLE AGED 16 AND 17 YEARS OF AGE)**

Anyone aged 16 years of age or over may apply to join the Housing Waiting List.

Minors, including applicants aged 16 or 17 years of age, cannot legally be bound by contracts or hold a legal estate in land. However, they can be bound by a “contract for necessities” and a minor can be legally bound to pay the rent. Therefore, a minor can hold an equitable tenancy providing a trustee is appointed to hold the legal estate in trust until the minor reaches 18 years of age, when this will expire and an introductory tenancy will be granted.

Applicants aged 16 or 17 years of age without a trustee will not be eligible to join the Housing Waiting List.

A trustee should be:

- A responsible adult
- An organisation, for example North Yorkshire County Council
- A named individual within an organisation

A trustee who is a responsible adult should:

- Be a close friend or relative
- Have a stable five year housing history
- Have no debts to the council (council tax and/or rent), or a Registered Provider
- Be able to attend the tenancy sign up

Although the trustee must attend the sign up of the tenancy, there is no obligation to attend any further meetings relating to the tenancy. Both the trustee and the minor will jointly be served with paperwork relating to any Possession Proceedings.

The trust automatically ends on the young person’s 18<sup>th</sup> birthday.

In the case of joint minors, an individual trustee is required for both young people.

## **APPENDIX 2 NON QUALIFICATION CRITERIA – UNACCEPTABLE BEHAVIOUR**

### **Assessing Qualification**

Applicants may not qualify to join the Housing Waiting List on the grounds of unacceptable behaviour.

We have retained the principles of the “unacceptable behaviour test” as introduced in the Homelessness Act 2002, which in summary means that an applicant will not qualify to join the Housing Waiting List if the applicant, or a member of his/her household, has been guilty of unacceptable behaviour that is serious enough to make him/her unsuitable to be a tenant at the time that his/her application is being considered.

Unacceptable behaviour is defined as “Behaviour which would entitle the Authority to a Possession Order under Section 84 of the Housing Act 1985 on any of the discretionary grounds in Part 1 of Schedule 2 to that Act (excluding Ground 8). These are the grounds where a tenant has broken one or more tenancy conditions”.

Grounds 1 to 7 of Part 1, Schedule 2 of the Housing Act 1985 are:

1. Rent arrears or other breach of tenancy obligation
2. Nuisance/annoyance
- 2A. Domestic violence
3. Deterioration of the property due to acts of waste
4. Deterioration of the landlord's furniture due to ill treatment
5. Reckless/fraudulent inducement to grant a tenancy
6. Premium paid on a permitted assignment (mutual exchange)
7. Dwelling house within a building used for non-housing purposes

Applicants who have been evicted under the grounds for Possession introduced under Section 94 to Section 100 of the Anti-Social Behaviour, Crime and Policing Act 2014, will also be regarded as non-qualifying under the grounds of unacceptable behaviour. This includes both the mandatory ground for Possession (Section 94 to 96 for secure tenants and Section 97 for assured tenants) and the discretionary grounds under Section 98 to Section 99.

The unacceptable behaviour test applies to all Housing Waiting List applicants, including those that would fall within a reasonable preference group.

We will consider an application where there is a proven history of unacceptable behaviour if the applicant can demonstrate that they have modified their behaviour and can demonstrate that they are suitable to be a tenant i.e. are engaged in support with a recognised support provider and the provider will continue that support if/when the applicant is rehoused, or have paid their rent arrears in full or have maintained a satisfactory repayment arrangement over a reasonable period of time.

In reaching a decision on whether or not an applicant does not qualify on the grounds of unacceptable behaviour, all relevant information will be taken into account, including whether the behaviour was within the applicant's control, or could

have been a result of a physical or learning disability or a mental health problem. Where ever possible we will work with other agencies such as Social Services, health professionals, police and probation to resolve an applicant's non-qualification.

Where the unacceptable behaviour has been committed by a person who was at that time, but is no longer a member of the applicant's household, the behaviour will be disregarded provided that the applicant is not guilty themselves of unacceptable behaviour.

This also means that statutory homeless applicants to whom the council has accepted a full homeless duty may not qualify to join the Housing Waiting List. In these instances the applicant should be offered an alternative housing option such as a private rented property, a direct let from a Registered Provider outside of the nominations agreement or supported housing, or alternatively they can demonstrate that they have engaged to resolve the qualification criteria.

Applicants must provide a five year address history when they complete a Housing Waiting List application form. Where appropriate, references will be requested with regard to an applicant's current or last settled address. Settled in this instance means something more than temporary and factors such as the suitability and the level of security and affordability of the accommodation will be taken into account, plus the applicant's intentions when they moved in to the accommodation. Each application will be judged on its own merits. References will not be requested from family members or friends of the applicant unless there is a clear landlord/tenant relationship. References will be taken into account in determining whether an applicant does not qualify to join the Housing Waiting List on the grounds of unacceptable behaviour. Applicants will be given an opportunity to provide any further information to support their application prior to a final decision being made on their qualification by the Allocations Team Leader.

### **Notifying the Applicant of the Non-Qualification Decision and the Right to Review**

Applicants will be advised in writing if they do not qualify to join the Housing Waiting List on the grounds of unacceptable behaviour, the reasons why and their right to request a Review of the decision. Applicants will be notified of the actions they need to take to remedy their non-qualification and details of any relevant support and/or independent agencies will be provided. Any request for a Review must be made within 21 days of the notification on the non-qualification decision. Further information on the Review procedure can be found at Appendix 4.

A fresh application will need to be made by an applicant where a previous non-qualification decision has been made and they feel that their unacceptable behaviour has been addressed. If they are found to now qualify to join the Housing Waiting List, their application will start from the date that the new application is received.

### **Grounds for Lifting the Non-Qualification Decision**

In order to lift their non-qualification, an applicant will need to demonstrate that there has been a measurable change in their circumstances, for instance:

- Where an applicant has a proven history of anti-social behaviour, the applicant can show a marked improvement in their behaviour over a sustained period of time. This would usually be a minimum period of six months.
- An applicant is actively engaged in support with a recognised support provider which addresses their previous unacceptable behaviour and the provider will continue that support if/when the applicant is rehoused
- An applicant has paid their rent arrears in full, or has made a reasonable repayment arrangement and has adhered to it consistently for a minimum period of 12 weeks. Non-qualification may be re-imposed where an applicant who has kept to a repayment arrangement later defaults after being accepted onto the Housing Waiting List

## **Rent Arrears**

Rent arrears are defined as including any money owed to Harrogate Borough Council, any other Local Housing Authority, a Registered Provider, or a private landlord in the form of non-payment of rent, former tenant arrears, temporary accommodation charges, rechargeable repairs, claims under a Rent Bond/Deposit Scheme, or associated Possession Order Court Costs. Rent arrears do not include council tax debts.

Amounts under £200.00 may be disregarded for the purposes of determining non-qualification. Debts written off as part of bankruptcy will be disregarded.

Debt means true debt and does not include arrears where the landlord is in receipt of regular housing benefit payments or direct debt/standing order, which clears the rent account once a month.

Applicants with rent arrears of under £500.00 will not usually be considered as non-qualifying, as it is unlikely that an outright Possession Order would have been granted in these circumstances. However, they may still be regarded as currently unsuitable to be a tenant and their application may therefore be deferred from active consideration for a fixed period of time, usually three or six months, to allow repayment of the rent arrears to the landlord. Applicants will be given the opportunity to provide any further information to support their application prior to a final decision being made on their deferral by the Allocations Team Leader. Applicants will be advised in writing that their application has been deferred and the reasons why. Applicants have a right to request a Review of the decision to defer their application within 21 days of the notification.

The application will be reviewed at the end of the deferral period and if a repayment arrangement has not been adhered to consistently for a minimum period of 12 weeks, a further deferral period may be imposed, which could lead to non-qualification if no progress is made in addressing the arrears. Applicants can request that the deferral be reviewed at any time if satisfactory repayments have been made, or the debt has been cleared in full.

Existing social housing tenants (both council and Registered Provider) will not normally be allowed to move if they are in rent arrears.

However, the Housing Needs Manager may allow tenants to move in cases where they have fallen into rent arrears as a direct result of the changes introduced by the Welfare Reform Act 2012, including under occupation and the removal of the spare room rate subsidy and the benefit cap, where the tenant is taking reasonable steps to pay their on-going rent and they will be moving to accommodation deemed to be more affordable.

Applicants in temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current rent arrears or are in breach of temporary accommodation/licence/tenancy conditions where Court action and/or eviction is imminent.

In exceptional cases, the Housing Needs Manager may regard statutory homeless applicants as exempt from non-qualification or deferral, even if they are failing to address their rent arrears, as it would not be in best interests of the council to delay rehousing such applicants, due to the significant on-going costs of temporary accommodation (unless Court action and/or eviction is imminent).

## APPENDIX 3 BEDROOM NEED/OVERCROWDING

### Assessing Bedroom Need

Applicants will only be considered for the size of property that meets their housing need. A separate bedroom will be allowed for:

- A single applicant or a married/cohabiting couple aged 16 or over
- A pair of children of the same sex aged under 16
- A pair of children of the opposite sex aged under 10
- Any other adult aged 16 or over
- Any foster child staying
- Any other child (but not if their main home is elsewhere)

The following table shows the household composition and property eligibility:

	Bedsit	One Bedroomed Flat/Bungalow/ House	Two Bedroomed Flat/Bungalow/ House	Three Bedroomed Flat/House/ Maisonette	Four Bedroomed House	Five Bedroomed House
One adult	✓	✓				
Childless couple		✓				
One/two adults with 1 child			✓			
One/two adults with 2 children, same sex and both aged less than 16			✓			
One/two adults with 2 children, of same sex and 1 aged 16 or over				✓		

	Bedsit	1 Bedroomed Flat/Bungalow/ House	2 Bedroomed Flat/Bungalow/ House	3 Bedroomed Flat/House/ Maisonette	4 Bedroomed House	5 Bedroomed House
One/two adults with 2 children of opposite sexes and both aged under 10			✓			
One/two adults with 2 children of opposite sexes and 1 aged 10 or over				✓		
One/two adults with 2 children of opposite sexes, both aged 10 or over				✓		
One/Two adults with 3 children				✓		
One/Two adults with 4 children				✓	✓	
One/two adults with 5+ children					✓	✓

Under occupation of a property will be permitted when the original shortlist for the property has been exhausted and no suitable applicants have been identified.

However, a financial assessment will be required to confirm that the accommodation offered is affordable.

In exceptional circumstances, an additional bedroom may be considered in the following cases:

- For a carer that provides overnight care for the applicant and/or their partner

The applicant or their partner should be in receipt of high or middle rate Attendance Allowance or Disability Living Allowance (DLA), or enhanced rate Personal Independence Payment (PIP). The applicant or their partner must need regular, overnight care. Regular care should be a minimum of two to three nights care per week on average. There should be a continuing need for care, with the expectation that the care will be required for the foreseeable future. Care must be provided during the night, solely being put to bed and woken up in the morning does not constitute overnight care and the care provided must be more than simply a presence overnight, such as changing bedding or administering medication. The care must be provided by someone who does not normally live with the applicant and the carer must use the additional bedroom for their overnight stays, as opposed to sleeping in the living room. Only one extra bedroom will be allowed even if the applicant and their partner both need individual carers.

- For a child that has a serious disability and cannot share a bedroom as a result

The child should be in receipt of high or middle rate Disability Living Allowance (DLA). Consideration will be given to the nature and severity of the child's disability, the nature and frequency of care provided and whether it is regular and overnight (as specified above), the reasons why the child cannot share a bedroom and the extent to which other children would be disturbed during the night. Supporting evidence that the child needs its own bedroom should be obtained from a relevant health professional.

- For an approved foster carer, who has fostered within the last 12 months

Approved foster carers can include foster children as part of their application to ensure that they can be considered for the appropriate sized property. Written confirmation of their foster carer status must be obtained from Social Services. However, foster children are not taken into account in determining household size for the purposes of the under occupation measure under the Welfare Reform Act 2012 and removal of the spare room rate subsidy and a financial assessment will be required to confirm that any accommodation offered is affordable.

## **Expectant Mothers**

Expectant mothers should provide a MATB1 form or other proof of pregnancy from a health professional (followed by a MATB1 form). The unborn child will not be

counted as a member of the household in determining the size of property required until proof has been received that the child has been born.

### **Children in Care**

Where the care is:

- Voluntary: children are treated as being part of the household and included in the application
- Compulsory: children are treated as not being part of the household and are not included in the application unless written confirmation is received from Social Services that the children will return to live with the applicants on a permanent basis, should they be allocated a suitable property

### **Day to Day Residence and Parenting Responsibilities**

In cases of shared parenting responsibilities and part time residency of children, although a child may live with its parents in a split week basis, the child will not be regarded as being part of an applicant's household, as it unreasonable for the child who already has an existing home with one parent, to be provided with another home to live in with the other parent.

To determine who a child normally lives with, we will consider the following documentary evidence:

- A Parental Responsibility Order from a Court
- A Residence Order
- Proof of receipt of current child benefit
- Legal guardianship

Where a child is to be included or added to an application, but no parental responsibility exists within the household (for example grandchildren, nieces, nephews), proof must be obtained of legal guardianship and confirmation obtained from Social Services that this will continue on a permanent basis.

### **Adult Household Members**

Persons may continue to be considered as part of an applicant's household after they reach 18 years of age, if they still reside with the applicant and wish to continue to do so and have continually resided within the household as a child.

Adults will not normally be added to an application where this results in the need for larger accommodation than for which the applicant was originally eligible, unless they have a demonstrable need to live with the applicant, for example to look after an elderly parent, and that they plan to make their home with the applicant on a permanent basis. Persons aged 18 years or older will be expected to provide a five year address history and a statement regarding their financial circumstances.

Applicants who require a full time residential carer may include the carer on their application. Proof of the requirement should be obtained from Social Services or

relevant health professional. The carer should be assessed as part of the household even if they are not currently resident and the need for a separate bedroom recorded, which could result in additional lacking bedroom points being awarded.

## **Students**

Students living in student accommodation would not be regarded as a member of the applicant's household, as they have an existing home elsewhere and are only returning to stay with the applicant during the holiday periods on a temporary basis.

## **Overcrowding**

As directed by the Allocations Code of Guidance 2012, overcrowding is measured using the bedroom standard, which allocates a separate bedroom to each:

- Married or cohabiting couple
- Adult aged 21 years or more
- Pair of adolescents aged 10-20 years of the same sex
- Pair of children aged under 10 years regardless of sex

A room intended as a bedroom but used for another purpose, for example storage of possessions, will still be regarded as a bedroom. If an applicant claims the bedroom is unfit for use, our Private Sector Housing Team will be contacted for advice.

If a child has a home elsewhere, but chooses to live with another adult applicant, for instance brother or sister, the child will be discounted for assessing overcrowding.

Other issues relating to bedroom usage are:

- Bedsits – Counts as lacking a bedroom
- Sharing a bedroom with a non-applicant – Counts as lacking a bedroom
- Best use (mixture of sexes) – If bedrooms could be better used, we will assume they are for assessment purposes

## **APPENDIX 4 REVIEW PROCEDURES**

### **Information about Decisions and Reviews**

Applicants have a right to information regarding certain decisions which are taken with regard to their application and the right to Review those decisions.

An applicant has a right to request a Review of a decision taken that:

- They are ineligible for an allocation of accommodation by virtue of being a person subject to immigration control who is ineligible for a housing allocation (Section 106ZA (2) or (4) Housing Act 1996)
- They are not a qualifying person (Section 160ZA (6) and (7) Housing Act 1996)

Applicants will be notified in writing, giving the reasons for the decision. Where an applicant claims not to have received the notification, it will be treated as having been given, as a copy will be retained at our Customer Access Centres in Harrogate and in Ripon for four weeks (Section 160ZA (10) Housing Act 1996).

An applicant also has the right, on request, to be informed of any decision about the facts of their application which have been, or are likely to be, taken into account in considering whether to make an allocation of accommodation to them. Applicants have a right of Review of such decisions. This may also include a decision to cancel and/or defer an application from active consideration for a set period of time.

Applicants will be notified that they can request a Review, in writing, within 21 days of the date of the original notification. The request can be submitted by a representative acting on the applicant's behalf.

### **Review of Material Facts**

A decision may be reassessed at any time on the following basis:

- The applicant's circumstances have changed materially since the decision was made, meaning their eligibility, qualification or priority under the allocations scheme has changed
- Substantive new information has become available, not previously known, which changes the applicant's eligibility, qualification or priority under the allocations scheme
- We have made an administrative error, which is substantially detrimental to the applicant

### **The Review Process**

1. The original officer who made the decision will first consider the Review and in light of any new information, may wish to reverse the decision. If not, the case will be passed to another officer to Review
2. The Reviewing Officer will not have been party to the original decision and will be senior to the original decision maker

3. The Review request will be acknowledged in writing, within two days of receipt and the applicant and/or their representative will be given the opportunity to provide any further information to support their Review request within 14 days of the date of the Review acknowledgement letter. This may be extended in extenuating circumstances, for instance the applicant is in hospital
4. The Review will be considered on the basis of our allocations scheme, the legislation and all known facts at the date of the Review. This will include any new information provided since the date of the original decision, for instance the repayment of arrears or the departure of a member of the household with a history of unacceptable behaviour
5. The applicant may be asked for further information to allow the Review to be completed and any adverse material will be put to them for their comment
6. The Review will be completed within 56 days of the date of the original written Review request. If the Review exceeds 56 days, the applicant will be notified in writing, with the reasons for the delay
7. The applicant will be advised, in writing, as to the outcome of the Review and the reasons why

### **The Right of Appeal**

If an applicant is not satisfied with the outcome of their Review request and believes that we have not acted reasonably or in accordance with our Review procedure, they may seek a Judicial Review of the decision, or alternatively may take their case to the Local Government Ombudsman.

Statutory homeless applicants to whom the council has accepted the main homelessness duty have a right to request a Review of the suitability of a final offer of accommodation under Part 6 of the Housing Act 1996 (an allocation of long term social housing). Such Reviews are conducted in accordance with the Homelessness Regulations and Code of Guidance.

## **APPENDIX 5 POTENTIALLY DANGEROUS OFFENDER PROCEDURE**

We are committed to delivering the principles of the York and North Yorkshire Offender Housing Protocol (reissued in July 2014). Offender Managers and/or Prison Resettlement Services will work with applicants prior to and after their release from prison, to address any barriers to rehousing and to avoid the statutory homeless route.

Depending upon the nature of their conviction, an applicant may also be subject to our Potentially Dangerous Offender (PDO) procedure, prior to being considered for an offer of accommodation.

Housing Services Committee reaffirmed on 27 January 2001, that applications from PDOs should be reported to the Cabinet Member (Housing & Safer Communities) on an information only basis.

The definition of a PDO used for this purpose is taken from the HM Inspectorate of Probation Thematic Inspection report “Dealing with Dangerous People: The Probation Service & Public Protection” (HMSO 1995), as someone with a criminal conviction for:

- Homicide
- Wounding
- Robbery
- Rape
- All sexual offences against children
- Kidnapping and holding hostage
- Terrorism
- Arson with intent

This includes persons with convictions for attempted crimes within these categories.

Applicants should provide details of any offending history on the application form, including the nature of the criminal conviction and the date it occurred.

All applications from PDOs are registered on the Housing Waiting List and referred to the Housing Needs Manager. The Housing Needs Manager will defer the application from active consideration for a period of three months, to allow time to contact all the relevant agencies such as the police, Offender Manager, Social Services, to obtain further details on the conviction, to ascertain opinion on the risks posed by, or to, the applicant and to consider whether any restrictions or stipulations are required with regard to rehousing. The Housing Needs Manager will write to the applicant advising them of the deferral, the reasons why and inviting the applicant to provide any further information in support of his/her application. The applicant has a right to request a Review of the decision to defer the application under the PDO procedure.

Once all the relevant information has been obtained, the Housing Needs Manager will submit an anonymised report to the Cabinet Member (Housing & Safer

Communities), providing a summary of the application. The deferral will then be lifted and the applicant advised in writing accordingly.

Prior to an offer of accommodation, the Police and/or Offender Manager may be contacted to discuss the suitability of the offer.

There is no additional provision for MAPPAs\* offenders under our allocations scheme.

Depending upon the nature of the conviction, applicants may also be considered under the non-qualification, unacceptable behaviour test, as detailed in Appendix 2.

\*Offenders managed under the Multi Agency Public Protection Arrangements.

## APPENDIX 6 MEDICAL ASSESSMENTS

Our Medical Assessment Panel is the body responsible for awarding additional medical priority to applicants whose health is detrimentally affected by their current accommodation.

The objectives of the Medical Assessment Panel are as follows:

- To make best use of social rented stock
- To make evidence based assessments of priority for housing where it is affected by health or disability
- To increase consistency of assessment
- To improve efficiency
- To reduce the number of letters received from health professionals

Any additional medical priority awarded is to assist an applicant to move to a property that more appropriately meets their needs and not simply to recognise that an applicant has a medical condition. Any offer of accommodation must bring about a health gain for the applicant.

An applicant with a terminal illness, whose current accommodation suits their health needs, will not be awarded any additional medical priority.

An applicant who is already housed in an adapted property will not normally be given any additional medical priority unless it is impractical to further adapt their current property to meet their needs.

A minor adaptation will usually be regarded as a preferable alternative to rehousing. Additional medical priority will not normally be awarded if the difficulties that the applicant is experiencing can be successfully addressed by a minor adaptation, such as installation of grab rails to external doors or bathing areas, or by the use of equipment such as a bath seat.

Pregnancy will only be considered for additional medical priority where a pre-existing medical condition is exacerbated and there is evidence that this will continue beyond the period of confinement.

Where more than one member of the applicant's household has a health need, the assessment for additional medical priority will be based on the household as a whole. It is not appropriate under these circumstances to add together any additional priority awarded to each individual.

In order to be considered for additional medical priority, an applicant must complete a medical self-assessment form (MSAF), detailing their medical condition, its treatment and prognosis and demonstrate the impact of their current accommodation. The Medical Assessment Panel, comprising members of the Allocations Team (a minimum of three Support Officers), will meet on a weekly basis to review the MSAFs and will enter the applicant's responses into an approved medical assessment matrix, which automatically determines the level of priority to be awarded.

## The Medical Assessment Matrix

Points

Level of Mobility	True or False	
Problems walking on the flat	TRUE	1
Problems walking uphill (breathlessness, COPD)	TRUE	2
Problems with steps outside (ramps/grab rails)	TRUE	3
Problems with stairs (may fall/steep)	TRUE	5
Problems with bathing (needs LAS*/ramps)	TRUE	5
Level of Independence	True or False	
Problems with vision	TRUE	1
Problems with hearing	TRUE	1
No access to a car	TRUE	1
No access to a bus route	TRUE	3
Needs other adaptations (stairlift/hoist/ramps)	TRUE	5
Unable to access facilities in the property	TRUE	15
Problems with toilet/bathroom access	TRUE	10
In hospital/respite and unable to return home	TRUE	45
Other Social and Medical Factors	True or False	
Problems with access to shops/isolation/support	TRUE	2
Current property causing stress/anxiety	TRUE	2
Current Property Exacerbating Mental Health Issues		
Risk of self harm (deliberate or accidental) low/high	TRUE	1/2
Risk of suicide low/high	TRUE	1/2
Risk of severe self neglect low/high	TRUE	1/2
Risk of abuse/exploitation by others low/high	TRUE	1/2
Risk of violence to others low/high	TRUE	1/2

There are six categories of additional medical priority, each category awarding a fixed points award under our points scheme. The total points awarded under the medical assessment matrix are compared to the range available for each medical category and the resulting fixed points award added to an application.

Category	Medical Matrix Points	Medical Priority Points
1	0 – 4	0
2	5 – 9	5
3	10 – 19	10
4	20 – 29	20
5	30 – 45	30
6	45 +	45

\*Level access shower

Those applicants awarded category 6 medical priority, whose circumstances are wholly exceptional and where a severe and profound effect on an applicant's health and well-being will occur if the applicant remains in his/her current accommodation, may be considered under special case arrangements to reflect that immediate rehousing is absolutely essential.

Applicants may seek a further medical assessment six months from the date of the last assessment if they can demonstrate that their medical condition has significantly deteriorated. A reassessment within the six month period will only be carried out in exceptional circumstances and with approval of the Allocations Team Leader. It is the applicant's responsibility to request a further medical assessment.

In exceptional circumstances, where there is no clear diagnosis or prognosis, or where an applicant has a number of complex health issues, we may contact a relevant health professional to obtain further information to assist us in reaching a decision on the appropriate medical priority to award.

## APPENDIX 7 SOCIAL NEEDS

Applicants who have a social and/or welfare need to move to another part of the Harrogate district, (or to a particular locality in the case of applicants currently living out of the district), may be awarded additional social needs points by the Allocations Team Leader.

This may include a need to move to give or receive support, to access employment and/or training, or to meet the specific needs a member of the household, such as a child that needs to attend a special school, or a member of the household that needs to access specialist medical treatment.

Applicants will normally only be awarded social needs points if it would be unreasonable to expect them to travel from their current accommodation, for instance they have no transport and there is no reliable public transport and they would experience hardship both financially and socially by commuting.

Applicants who need to move to another location in the district to give or receive support must provide written confirmation of the name, address and relationship to the family member they need to live close to and their support needs via a health professional or Social Services. If an applicant needs to move to a particular location to receive support, a medical assessment may also be required to determine the type of property that would best suit the applicant's needs.

Proof of employment and/or training will be required. Employment must be on a permanent basis.

Social needs points may only be awarded where an applicant's child has an "education based" need to attend a particular school or training facility beyond reasonable travelling distance of their current accommodation. This may also include a member of the household with a disability or learning difficulties. Social needs points will not be awarded where the applicant is merely exercising a preference for a particular school.

Social needs points may also be awarded if an applicant, or member of their household, needs to access specialist medical treatment on a permanent or indefinite basis, the treatment is not available in the location in which they currently live and it would be unreasonable to expect them to travel on a regular basis.

There are two levels of social needs points:

- A low level need to move – for instance to receive/provide weekly care, to take up employment opportunities, to extend social opportunities, without which an applicant's and/or members of their household's, quality of life would be moderately reduced
- A high level need to move – for instance to receive/provide essential daily care without which residential care and/or a higher level care package from Social Services would be required, to access sheltered accommodation and there is no such provision in the current area, to access education/training/medical treatment, without which an applicant's and/or

members of their household's, quality of life would be significantly impaired, resulting in severe hardship and social exclusion

## **APPENDIX 8 MOVING ON FROM SUPPORTED HOUSING**

Applicants who have completed an approved support plan in a recognised supported housing scheme and are ready to move on to independent accommodation may receive additional points.

The support plan will normally have been completed over a period of 12 to 24 months, but in all cases will be a minimum of six months. Applicants who have lived in supported housing for less than six months will not be eligible for any additional points.

The applicant's Support Worker will need to provide evidence of the completed support plan and that the applicant is able to live independently.

Evidence of support around the following areas should be provided:

- Money management (budgeting, paying bills/rent etc.)
- Practical skills (cooking, cleaning, hygiene and home management etc.)
- Health and well-being (managing substance misuse, registering with a GP/dentist etc.)
- Social responsibility (accessing employment/education/training/volunteering)
- Managing offending (compliance with orders etc.)

Where an applicant would benefit from some short term support when they first move into independent accommodation, they can be referred to the Homeless Prevention Floating Support Service. Further information is available from the Allocations Team on 01423 500 600.

In the case of a joint application, both applicants must have completed an approved support plan.

A list of recognised supported housing schemes is available from the Allocations Team and these may change over time.

## APPENDIX 9 LOCAL LETTINGS POLICIES

The following local lettings policies are currently in operation:

<b>Housing Provider</b>	<b>Scheme Details</b>	<b>Date Approved</b>	<b>Specific Applicant Details</b>
Together Housing (Chevin)	Old Chapel Works, Skipton Road, Harrogate	November 2003	Care Leavers
Sanctuary Housing Association	Sanctuary Court, Skellgarth, Ripon	May 2005	Care Leavers
Yorkshire Housing	Firth Court, Knaresborough Road, Harrogate	April 2007	Under Occupying Social Housing Tenants
Yorkshire Housing	High Street, Starbeck, Harrogate	May 2008	Learning Disabilities
Home Group	Cruet Farm, Hampsthwaite	July 2008	Two Year Employment Period in Hampsthwaite Parish Only
Harrogate Borough Council	Charlton Drive, Knaresborough	February 2009	Learning Disabilities
Broadacres Housing Association	Marketgate, Ripon	April 2009	Under Occupying Social Housing Tenants
Home Group	St Cuthberts Close, Ripon	March 2011	Under Occupying Social Housing Tenants
Harrogate Families Housing Association	Blind Lane, Knaresborough	December 2013	Local Connection to the Parishes of Knaresborough East, Knaresborough King James, Knaresborough Scriven Park Only
Home Group	Pannal Road, Follifoot	December 2015	50% of applicants must be in permanent employment
Home Group	Harrogate Road, Minskip	December 2015	50% of applicants must be in permanent employment

## APPENDIX 10 OFFICER ROLES IN THE ALLOCATION OF HOUSING AND ASSOCIATED PROCESSES

Officer Designation	Role and Responsibilities
Customer Service Adviser (Based within the Corporate Customer Services Team)	General advice and verification of documents provided by applicants
Support Officer (Allocations)  Support Officer (Nominations)	<ul style="list-style-type: none"> <li>a) Assesses application forms in line with the approved allocations scheme</li> <li>b) Verifies documents provided by applicants</li> <li>c) Makes recommendations on eligibility and qualification to join the Housing Waiting List</li> <li>d) Makes recommendations for additional priority under special case arrangements</li> <li>e) Inputs data relating to individual applications onto IHMS</li> <li>f) Draws up shortlists for allocations of housing and nominations to partner Registered Providers, investigates the suitability of shortlisted applicants for such allocations and nominations and makes recommendations on the most suitable allocation or nomination, in line with the approved allocations scheme</li> <li>g) Determines the reasonableness or otherwise of a refusal of an offer of accommodation or nomination</li> <li>h) Home visits to applicants for housing</li> <li>i) Awards additional disrepair points following a home visit, in line with the approved allocations scheme</li> <li>j) Provides general advice and assistance to applicants, including signposting and referral to other sources of advice and assistance</li> <li>k) Answers general queries by telephone, in writing, by e-mail and in person</li> <li>l) Sits on the Medical Assessment Panel</li> </ul>
Allocations Team Leader	a) Determines eligibility to join the

	<p>Housing Waiting List</p> <ul style="list-style-type: none"> <li>b) Determines qualification of applicants to join the Housing Waiting List under the unacceptable behaviour test</li> <li>c) Determines qualification to join the Housing Waiting List on all other grounds</li> <li>d) Authorises the deferral of applicants on the grounds of their unsuitability to be a tenant</li> <li>e) Authorises acceptance onto Housing Waiting List of social housing tenants within first 12 months of tenancy</li> <li>f) Authorises additional bedroom need award in accordance with the approved allocations scheme</li> <li>g) Authorises social needs points in accordance with the approved allocations scheme</li> <li>h) Authorises medical assessments outside of the approved timescale</li> <li>i) Authorises reinstatement of a cancelled application</li> <li>j) Checks paperwork relating to all allocations and nominations, to ensure that correct procedure and policy has been followed and authorises offers and nominations</li> <li>k) Monitors nominations to ensure that the correct percentage is achieved by individual partner Registered Providers and reviews such arrangements on a regular basis</li> <li>l) Liaises with partner Registered Providers with regard to intermediate/extra care schemes</li> <li>m) Acts as the Reviewing Officer for decisions made by the Support Officer (Allocations/Nominations)</li> <li>n) Answers more complex and/or contentious queries by telephone, in writing, e-mail and in person</li> </ul>
Housing Needs Manager	<ul style="list-style-type: none"> <li>a) Advice and assistance to all officers in respect of complex and contentious procedural and policy issues</li> </ul>

	<ul style="list-style-type: none"> <li>b) Resolution of disputes between officers regarding the interpretation of the allocations scheme and decisions arising as a result of that interpretation</li> <li>c) Proposes and/or authorises changes in procedure</li> <li>d) Proposes changes in the allocations scheme as a result of changes in legislation, Code of Guidance, Regulation or best practice</li> <li>e) Recommends the implementation of local lettings policies for specific schemes or areas</li> <li>f) Accepts referrals under the National Witness Protection Scheme</li> <li>g) Approves additional priority awarded under special case arrangements in accordance with the approved allocations scheme</li> <li>h) Authorises statutory homeless applicants as exempt from non-qualification or deferral</li> <li>i) Authorises the allocation of housing and/or nomination to social housing tenants in arrears</li> <li>j) Administers the Potentially Dangerous Offender procedure</li> <li>k) Acts as the Reviewing Officer for decisions made by the Allocations Team Leader</li> <li><b>l) Responds to enquiries from Senior Managers, MPs and Councillors</b></li> </ul>
Head of Housing & Property	<ul style="list-style-type: none"> <li>a) Approves allocations of housing and nominations, to applicants who are council employees, Members and/or their close relatives</li> <li>b) Acts as the Reviewing Officer for decisions made by the Housing Needs Manager</li> <li>c) Authorises Possession Proceedings on the grounds of an applicant providing false information and/or deliberately withholding information during the application and allocation stages</li> </ul>

Cabinet Member (Housing & Safer Communities)	<ul style="list-style-type: none"> <li>a) Approves the implementation of local lettings policies for specific schemes or areas</li> <li>b) Authorises minor amendments to the approved allocations scheme as a result of changes in legislation, Code of Guidance, Regulation and best practice, where the change will have a low impact on those on Housing Waiting List</li> </ul>
Team Leader (Independent Living Services)	Home visits for applications for sheltered housing schemes, at application and offer stages of the allocations process
Housing Officer (Support)	Responsibility for administering cases under the Hardship Fund (under occupying Harrogate Borough Council tenants only)
Housing Officer (Estates) (Or equivalent role within Registered Providers)	<ul style="list-style-type: none"> <li>a) Approves tenancy changes outside of the approved allocations scheme</li> <li>b) Home visits to social housing tenants</li> <li>c) Landlord references for social housing tenants</li> <li>d) Recommends joint to sole/sole to joint tenancy changes under special case arrangements</li> </ul>
Environmental Health Officer	Assessment of disrepair, where requested by the applicant, in the most urgent of cases
Medical Assessment Panel	<p>Assesses and awards additional medical priority in accordance with the approved allocations scheme, to applicants whose health is detrimentally affected by their current accommodation</p> <p>The Panel will comprise a minimum of three Support Officers, who have sufficient knowledge and expertise to contribute to the Panel's effectiveness</p>