

HOUSING ALLOCATIONS POLICY

2024 – 2029

Warrington Borough Council

Foreword

By Councillor XXXXX

Cabinet Member for XXXXXXX

DRAFT

Table of Contents

1. Overview	4
1.1. Introduction	4
1.2. Purpose of this Policy	4
1.3. Principles of this Policy	5
1.4. Elected Members.....	8
1.5. Exclusions and priority.....	8
1.6. Review.....	9
2. Information, Applications and Decision-Making	9
2.1. Information.....	9
2.2. Applications	12
2.3. Decision-Making.....	17
2.4. Reviews of decisions made	18
2.5. Eligibility	20
2.6. Qualification.....	24
2.7. Determining eligibility and qualification	33
2.8. Notifications of decisions and right to a review.....	33
2.9. Re-application	34
2.10. Exercising Discretion.....	34
2.11. Adopting this Policy.....	34
3. Determining priority for an allocation for housing	36
4. Local lettings Policies	46
5. Avoiding discrimination and enhancing equality of opportunity	48
6. Best interests of children	49
7. Discretion	50
8. The Allocation of Social Housing	50
8.1. In general.....	51
9. Other Arrangements	54
9.1. Applications to Registered Providers.....	54
9.2. Nominations	54
9.3. Transfers.....	55
9.4. Complaints, appeals and legal challenges	55

1. Overview

1.1. Introduction

Warrington Borough Council introduces this Housing Allocations Policy as a replacement for the previous housing allocations policy published in 2017.

Throughout the Policy, any reference to the “**Local Authority**” means Warrington Borough Council.

There is a legal requirement for all English local housing authorities to have a Policy for the allocation of social rented housing, regardless of whether they own or manage any social rented housing. The Local Authority previously undertook a voluntary transfer of its housing accommodation.

The Local Authority’s housing allocations functions are regulated by the Local Government and Social Care Ombudsman.

This Policy explains how people can apply for an allocation of social rented housing, how the Local Authority will allocate social rented housing and the extent of choice applicants will be offered.

The Local Authority is permitted to contract out the administration of specific public law housing allocation functions to a third party. Any such arrangements that might be in force are outside the scope of this Policy. Where such arrangements have been established, any reference made in this Policy to the Local Authority automatically extend to any third party appointed to undertake such administration.

1.2. Purpose of this Policy

The Housing and Regeneration Act 2008 defines social housing as low-cost homes for rent and sale to people whose housing needs cannot be met by the general housing market. This Policies shall demonstrate how the Local Authority will allocate social rented housing to:

- a. persons applying to become a social housing tenant; and
- b. secure/assured tenants seeking to move to another dwelling house (“**Transfer Applicants**”), let under secure/assured tenancies.

The Local Authority intends to allocate homes in a fair, transparent and effective way, that prioritises applicants who are most in need, is lawful and makes best use of the homes available.

This Policy explains how priority between applicants will be determined and the arrangements for nominating applicants for homes owned by private registered providers of social housing (“**Registered Providers**”), who own and/or manage social rented housing in the Local Authority area.

A copy of this Policy will be made available on the Councils Website. Electronic copies will be provided on request.

Copies in alternative formats will be considered on an individual basis.

1.3. Principles of this Policy

The following regulations and guidance were taken into consideration by the Council when developing this policy:

- c. The Housing Act 1985
- d. The Housing Act 1996
- e. The Housing Act 2004
- f. The Homelessness Act 2002
- g. The Homelessness Reduction Act 2017
- h. The Localism Act 2011
- i. Allocation of Accommodation: Guidance for Local Authorities in England 2012
- j. Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG December 2013) Supplementary Code
- k. Allocation of Housing and Homelessness Regulations 2019
- l. Allocation of Housing (Additional preference for Armed Forces)

- Regulations 2012 and (Qualification Criteria for Armed Forces) 2012.
- m. The Right to Move Regulations 2015
 - n. Domestic Abuse Act 2022
 - o. Care Act 2010
 - p. Equality Act 2010
 - q. General Data Protection Regulations (GDPR) 2018
 - r. English and Welsh Caselaw

This Policy only relates to the allocation of social rented housing in Warrington, excluding extra care social rented housing (which will be subject to separate arrangements), but which extends to:

- 1. Affordable rent social housing.
- 2. General needs social housing.
- 3. Affordable rent supported housing
- 4. General needs supported housing.

For the purpose of this Policy, an “**allocation**” is defined as occurring when the Local Authority nominates a person to be a secure/assured or introductory tenant of social rented housing held by a Registered Provider.

Actual entry by an applicant into a tenancy agreement for a particular property is beyond the scope of this Policy. The law and regulations instruct registered providers to publish rules and policies about how housing allocations will be made. Applicants should consult individual Registered Providers for their rules and policies concerning allocation of social rented housing; copies of which are available from the Local Authority.

The Local Authority and/or registered providers shall have their own rules and policies for the following matters, which should be referenced for further details:

- 1. The granting of a tenancy that is not of the type specified in the legal definition of allocation, such as one without security of tenure (e.g. a ‘family intervention tenancy’).
- 2. Granting a tenancy to a person who is currently and lawfully occupying

- a property held on a family intervention tenancy.
3. The vesting (by succession) of a periodic secure or introductory tenancy on the death of the current tenant.
 4. The devolution of a fixed term secure tenancy on the death of a tenant.
 5. The assignment of a secure tenancy as part of a mutual exchange.
 6. The assignment of a secure or introductory tenancy to a person who would have been qualified to succeed to the tenancy on a tenant's death.
 7. The vesting or disposal of a secure or introductory tenancy pursuant to a court order made under the following provisions of family law statutes:
 - a. section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings);
 - b. section 71 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce);
 - c. paragraph 1 of schedule 1 of the Children Act 1989 (orders for financial relief against parents); and
 - d. schedule 7, Part 2 of the Family Law Act 1996 (orders for moving a tenancy from an existing tenant to a new tenant).
 8. The vesting or disposal of a secure or introductory tenancy pursuant to an order made under Part 2 of schedule 5, or paragraph 9(2) or (3) of schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership).
 9. A transfer initiated by a private registered provider of social housing of a secure or introductory tenancy (i.e. not initiated by an application for a transfer by the tenant).
 10. A tenancy being granted as part of a surrender and re-grant where two social housing tenants wish to exchange their homes and one tenant holds a flexible tenancy or an assured shorthold tenancy.
 11. Where a tenant has been displaced from previous accommodation and has been provided with suitable alternative accommodation under the Land Compensation Act 1973.

12. The granting of a secure tenancy to a former owner-occupier or statutory tenant of a defective dwelling house acquired by the Local Authority.

When drawing up this Policy, the Local Authority has consulted with:

1. The providers of social housing allocations on behalf of the Council, Under One Roof, owned by Torus Group.
2. Social housing providers and other partners operating in the Warrington area.
3. We have also taken note of our neighbouring local authority Social Housing Allocations Policies.
4. The Local Authority has taken account of the needs of specific groups, such as persons with a disability, or learning and support need.
5. The Local Authority has taken note of the need to increase priority for those tenants who are overcrowded or under occupying.

1.4. Elected Members

Elected Councillors of a Local Authority are prohibited from making decisions about any individual allocation pertaining to any accommodation situated in their electoral ward area or any person who is resident in their electoral ward area. Elected Councillors may seek to obtain general information about the allocation of housing, can represent their constituents and discuss their cases with the Councils Housing Allocations Monitoring Officer, or any external provider of the allocations service.

Elected Councillors should participate in making decisions about the overall content of this Policy. Elected Councillors should consider whether the Local Authority's Code of Conduct requires them to declare an interest before participating in such deliberations.

1.5. Exclusions and priority

People will not be able to join the housing register for social housing if they are

either not eligible for an allocation of social housing or are of a class of person matching the disqualification criterion set out in this Policy.

Applicants will be prioritised for an allocation by Band, then the date they were placed in the current band they have been afforded.

Applicants will be demoted for refusing reasonable offers of housing.

1.6. Review

This policy will be reviewed by the Local Authority every 3 years, more often if required, for example due to legislative or regulatory changes, to ensure it remains fit for purpose.

2. Information, Applications and Decision-Making

2.1. Information

The Local Authority will provide a summary of this Policy free to any person who asks for one. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. The whole of this Policy will be made available for inspection by any person at the principal offices of the Local Authority. The Local Authority will provide a copy to anyone who asks for one. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. The Local Authority will also publish this Policy on its websites, including the website of any provider of allocations services.

1. The rules associated with initial consideration of an applicant's application, plus the treatment of any nomination made by the Local Authority for social rented housing to a Registered Provider.
2. Stock profile by Registered Providers in the borough.
3. Eligibility, qualification and prioritisation criterion for joining Under One Roof and being offered a nomination of social rented housing.

The Local Authority will provide general information via their Housing Allocations website about the social housing stock in its area.

The Local Authority will provide the following information for any given dwelling, wherever it is made available by Registered Providers:

1. Type (e.g. house, flat, bungalow, etc), size (e.g. number of bedrooms, bathrooms, etc) and location (e.g. by electoral ward).
2. Whether it is already accessible for people with disabilities or could be adapted to be so.
3. Whether there is access to a shared or private garden.
4. How old it is.
5. An indication of how frequently it is likely to become available.
6. An indication of the cost of running it.

The Local Authority will consider requests for information in translated and alternative formats (e.g., braille, large print, audio etc) and provide materials as relevant. The special needs of specific groups of prospective applicants (e.g. the housebound, prisoners, gypsies and travellers, etc), will be taken account of when making any arrangement to access and provide information and advice. Information will be made available using a variety of media, including printed hard copy form, on the website of the Local Authority Housing Allocations website and via the telephone.

The Local Authority will provide any person who requests it with information (e.g. in a suitable written format) and advice (e.g. via the phone or in person) about their rights to make an application for an allocation of social rented housing. Furthermore, the Local Authority will freely help any person who is likely to have difficulty in making an application to join the housing register This assistance will include (this list is not intended to be exhaustive):

1. Completing any form that might exist.
2. Explain what evidence might be required for the Local Authority determine any eligibility and qualification criterion that might be in force and help collect this evidence for assessment.

3. Explain what evidence might be required to determine the degree of priority for when allocations are made and help collect this evidence for assessment.
4. Explain what evidence might be required to help determine the type of property should be allocated and help collect this evidence for assessment.

The Local Authority will provide every applicant with the following general information online or other suitable written format (as applicable at the different stages of an application being processed), accompanied by a free summary of this Policy available online:

1. How their application is likely to be treated.
2. Whether or not they have been accepted as being eligible for an allocation or any reasons for being determined as ineligible.
3. Whether or not they qualify to join the housing register and the reasons for being disqualified.
4. The type of property they are likely to be allocated and the number of bedrooms they might be entitled to have.
5. The method that will be used in assessing their needs.
6. Information on existing applicant outcomes based on banding criteria.
7. Any facts about the applicant's case which have been or will be taken account of when making decisions.
8. The right to request a review of any decision that they are not eligible and/or do not qualify to join the housing register or concerning a nomination of social rented housing.
9. Any review decision, along with the grounds for that decision in a written acknowledgement.
10. The right to seek a judicial review on any point of law where this Policy (or the administration of it) is irrational, illegal, or fails to follow public law procedural requirements.

The Local Authority will advise either orally or in writing all persons that equalities information will be collected, to enable a better understanding of peoples' housing needs and to ensure that no one is discriminated against as a

result of the way this Policy has been framed, or during the administration of it. People will be informed via the Council Housing Allocations website on how such data will be used, handled, and stored.

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

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

2.2. Applications

All applications must be made using the prescribed online form published by the Local Authority or its contracted provider.

Applications can only be made by a sole individual, all other persons who might presently live with the applicant can feature as usual household members. Applications are welcomed from persons who live at two separate addresses,

but who wish to live together at one single address, one person will have to feature as the applicant (although an applicant together with one or more other persons can enter into a joint tenancy with a Registered Provider, subject to such an organisation's acquiescence), with the other person(s) featuring as usual a household member. Anyone who might usually reside with an applicant, or who might reasonably be expected to reside with an applicant, can feature as part of the application. A usual household member is a person who primarily (for at least 50% of a reasonable period, e.g. week, month) or exclusively lives with an applicant. People who usually live with the applicant but are temporarily absent due to circumstances beyond their control (e.g. they are in prison, care of a local authority, hospital, armed forces, etc), are also considered a usual household member.

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

1. A valid passport.
2. A utility or Council Tax bill from the past three months.
3. Birth certificate.
4. Details of any relevant unspent convictions.
5. All financial records from the past three months relating to income and savings.
6. All legal records relating to property ownership.
7. Any other information that helps to determine eligibility to social housing.

The Local Authority will receive applications from any person, regardless of where they currently reside, and this extends to persons of no fixed abode. All applicants will be required to renew their application periodically, from the anniversary of being accepted to join the housing register. Failure to renew an application will result in an application being closed and membership of the housing register being discontinued. Applicants will be reminded via notification issued to them and will have 28 days from receipt of this

information to comply with the renewal request. If an applicant fails to comply with the renewal request within the allotted timeframe, further contact will be made and they will be afforded a further 28 days to renew their application, Failure to comply during the second 28-day period will result in an applicant being removed from housing register.

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

The Local Authority or its delivery agent will provide every applicant with information and advice (in writing or orally, electronically or in person) about their rights to make an application for an allocation of social rented housing. Furthermore, assistance (such as explain the steps for making and determining an application, collecting evidence to determine eligibility and qualification for an allocation, the degree of choice they are entitled to and how applicants are prioritised for an allocation) will be provided free of charge to any person who is likely to have difficulty in making an application (e.g. due to mental or physical impairment, or because of any other special characteristic) to join the housing register. This assistance will be extended to those who might require help to express a preference for an available property to let.

The Local Authority is subject to the Equality Act 2010 which has been duly considered when formulating this Policy (and any associated rules, Policies, policies and processes). A separate *Equality Impact Assessment* has been completed and copies can be requested from the Local Authority or downloaded from the Under One Roof website. The *Equality Impact Assessment* has identified any potential impact on people with a protected characteristic, showing these as positive, negative or negligible, plus includes actions to mitigate any such negative impacts. This Policy aligns with the Local

Authority's Equality Policy. To ensure compliance with public sector equality duties, the following arrangements will be considered by the Local Authority and/or Registered Providers for each individual applicant and property:

- Informing an applicant of a property's accessible features.
- A mechanism (e.g. a specific question on the online application) to identify the requirements of disabled applicants.
- A mechanism (e.g. at the stage of nomination from the Local Authority to a Registered Provider) to allow extra time, (of a duration relevant to the circumstances of any given case) for disabled applicants if they need it to accept an offer.
- A mechanism (e.g. assistance provided via the Councils website, phone, or in person) for providing support in making applications.

The Local Authority or its delivery agent will process applications, this will involve a preliminary assessment. Firstly, consideration will be given to whether the applicant is eligible for social rented housing in accordance with the law. It will then be determined if an applicant qualifies to join the housing register under the terms of this Policy. Detailed scrutiny will take place when an applicant is due to be nominated for a particular property, to determine whether the applicant:

- Is still eligible.
- Is still a qualifying person.
- Meets any specific lettings criteria for the particular property.
- Has a household size that matches any size criteria for the property.

The Local Authority or its delivery agent will process applications within a reasonable period of time (relative the particulars of any given application) after all documentation has been received. Upon receipt of an application, the Local Authority will inform the applicant that if they considered the progress of their application to be unduly slow they are entitled to make a complaint using the Local Authority's Complaints Policy. If the outcome of this proves unsatisfactory, an applicant may seek the help of the Local Government &

Social Care Ombudsman. Complaints can be made by:

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

The Local Authority or its delivery agent will accept applications from current tenants of registered providers, for transfers (“**Transfer Applicants**”) to alternative social rented housing available in Warrington. Such applicants have the right to:

- Make applications.
- Have their applications considered.
- Be notified as to their rights to information and review.
- Confidentiality of the fact of their application.

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

The Local Authority will handle applications as per the provisions contained in this Policy. Any application which gives the Local Authority a reason to believe a person may be homeless or threatened with homelessness, will trigger inquiries as to what duty of assistance, if any is owed under Housing Act 1996,

Part 7 (as amended). Such inquiries and any subsequent assistance a person might be entitled to are outside the scope of this Policy. The Local Authority has separate arrangements in force to administer public law homelessness duties.

Decisions about whether an applicant is eligible for an allocation of social rented housing and qualifies to join the housing register will be made in strict accordance with the rules established in this Policy. Reviews will be carried out in strict accordance with the rules established in this Policy. The power to award discretion to an applicant in respect of qualification to join the housing register and prioritise them for a nomination of social rented housing is limited to a designated senior officer with responsibility for administering housing allocation functions for the Local Authority. The aforementioned senior employee(s) will be responsible for minimising the risk of employee fraud and errors, including the vetting of junior employees and randomly checking and validating decisions on applications. Consideration of an application will be based on the information provided on the application form, plus any evidence supplied by an applicant (e.g. proofs of identity, etc), or information gained from other relevant persons (e.g. employees of adult social care services, children services, health services, etc).

Unsuccessful applicants, who have been declared not eligible for an allocation of social rented housing or disqualified from joining the housing register, will be informed that they can make a further application whenever they believe there has been a material change to their circumstances.

2.3. Decision-Making

Decisions on applications will be notified in writing (either in the form of an email, or a letter when the applicant has not supplied an email address, via notification on the housing register website), regardless of whether they are adverse or successful.

Where the notification confirms a decision that an applicant is ineligible for an allocation of social rented housing or disqualified from joining the housing

register, the applicant will be given reasons for the decision based on the relevant facts of the case. Additional arrangements will be made for applicants who might have difficulty understanding the implications of the decision to be informed orally (e.g. via a telephone call or in person). Copies of all adverse decisions will be made available for a reasonable period of time for collection by the applicants, or by someone on their behalf, at the main offices of the Local Authority when an applicant has not provided either an email address or postal address.

Decisions about applications made by employees of the Local Authority, will be made as per the rules set out in this Policy. However, all such decisions will be verified via a series of random checks by a designated senior officer with responsibility for administering housing allocation functions for the Local Authority. Applicants will be asked at the point of making an application, whether they (or anyone who lives with them or might reasonably be expected to live with them) are an employee of the Local Authority. Where a person affirms on their application that they (or a usual household member), is an employee of the Local Authority, they will be notified of the process to deal with any conflicts of interest which will involve a senior officer processing the application and ensuring that it is dealt with impartially without any reference to the relevant employee. The same principle will be applied to relatives of persons who are employed by the Local Authority or its delivery agent.

2.4. Reviews of decisions made

Applicants will be informed of their right to request a review, within 21 calendar days of receiving a decision about their housing application, of any of the decisions shown below:

- That an applicant is not eligible for an allocation of social rented housing, due to being subject to immigration control or being an ineligible person from abroad.
- That an applicant is not within a class of persons qualifying to join the housing register
- The degree of preference they have been afforded by the housing register

including any changes made to the degree of preference they are entitled to.

- The facts of their case which are likely to be, or have been, taken account of when deciding whether to make a nomination to a Registered Provider, including their medical condition or other welfare needs.
- The type of social rented housing for which an applicant will be considered by the council or its delivery agent.
- The extent of an applicant's household.
- Whether a nomination constitutes a final offer with the terms of this Policy.

The review will be a re-consideration of all the relevant facts and the legal requirements at the date the review is carried out. Upon receipt of a review request from an applicant, the Local Authority will complete the review within eight weeks (56 days). This timeframe can be extended by mutual agreement by the Local Authority and the applicant. The review will be carried out by designated senior officer of the Local Authority, whom was not previously involved in making the original decision. An applicant will not usually be entitled to an oral hearing. However, when the Local Authority deem that an oral hearing would help to determine the facts of the case, an applicant will be entitled to have a suitable qualified advocate involved.

Notification of all review decisions, including reasons for decisions made, will be made in writing by email or letter (where the applicant has not provided an email address).

Applicants will be informed of their right to pursue a judicial review, where they believe there is evidence that a decision is irrational, illegal or fails to follow public law procedural requirements. This includes a refusal to take an application to join the housing register. If applicants are dissatisfied with how their application and any subsequent complaint has been handled by the Local Authority, they will be informed of their right to make a claim of maladministration to the Local Government & Social Care Ombudsman.

2.5. Eligibility

The following classes of persons, subject to the satisfying a habitual residency test, will be eligible to join the housing register:

1. British citizens (constituting the nations of England, Scotland and Wales).
2. Commonwealth citizens with a right of abode in the UK immediately before 01 January 1983 who have remained commonwealth citizens throughout (excluding non-British citizens from Pakistan and South Africa, but inclusive of citizens from Gambia and Zimbabwe).
3. Irish citizens (constituting the nations of Northern Ireland and Republic of Ireland).
4. EEA Nationals (other than those from Ireland) and their family members, who:
 - a. have acquired limited leave to enter and remain in the UK,
 - b. were frontier working before 31 December 2020; or
 - c. are lawfully residing in the UK by 31 December 2020, but still have to apply to, or acquire status under the EU Settlement Policy before the deadline of 30 June 2021 and are covered by the “Grace Period statutory instrument”.
5. Persons exempt from immigration control (e.g. diplomats and their family members based in the UK and some military personnel).
6. Persons granted refugee status by the UK Government.
7. Persons granted exceptional or limited leave to enter or remain in the UK with condition that they and any dependents have resource to public funds (e.g. humanitarian or compassionate circumstances).
8. Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in the UK, The Channel Islands, the Isle of Man or the Republic of Ireland (defined as the Common Travel Area) (a person whose maintenance and accommodation is being sponsored must be resident in the Common Travel Area for five years since date of entry or date of sponsorship, unless the sponsor has died).
9. Persons who have humanitarian protection granted under the

Immigration Rules (e.g. a person whose asylum application has failed, but they face real risk of harm if they returned to their state of origin).

10. Persons who are Afghan citizens with limited leave to enter or remain in the United Kingdom, who are habitually resident in the Common Travel Area.
11. Persons who are habitually resident in the Common Travel Area, who has Calais leave to remain under the Immigration Rules.
12. Persons who are habitually resident in the Common Travel Area and who have been granted leave to remain as a stateless person under Immigration Act 1971.
13. Persons who have limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland by virtue of the Immigration Rules.

EEA Nationals means nationals of any of the EU member states, and national of Iceland, Norway, Liechtenstein and Switzerland are eligible for housing if:

- they have been granted settled status under the EU Settlement Scheme and are 'habitually resident' in the British Isles or Ireland,
- you have been granted EU pre-settled status and you have an EEA 'right to reside' that qualifies you for housing; or
- you have an EEA 'right to reside' that qualifies you for housing and you applied to the EU Settlement Scheme on or before 30 June 2021 (or your late application has been accepted) but your application has not yet been decided.

The following classes of person will not be eligible to join the Under One Roof Housing Register:

1. Persons not habitually resident in the Common Travel Area (see section 3.1.1 subsection 8 for definition).
2. EEA nationals whose only right to reside in the UK is:
 - a. Derived from their status as a jobseeker (or their status as a family member of a jobseeker).
 - b. An initial right of residence for 3 months.
 - c. Derivative right of residence because the person is the primary

carer of a British citizen.

- d. Right to reside as a result of the persons deportation, expulsion or other removal by compulsion of law from another country to the UK (including EEA nationals exercising EU Treaty rights, who were previously settled in the UK prior to deportation).
3. Persons whose only right to reside in the UK is an initial right for no more than 3 months, including those who would become an unreasonable burden on the social assistance system of the UK.
4. Persons who are excluded by section 115 of the Immigration and Asylum Act 1999 to entitlement to universal credit under Part 1 of the Welfare Reform Act 2012 or to housing benefit.

The granting of a tenancy agreement will be determined by each Registered Provider, in accordance with their respective allocations policy and/or tenancy policy. Notwithstanding this, a joint tenancy cannot be granted to two or more people if any one of them is not eligible for an allocation. If one person is eligible, a tenancy may be granted to the eligible person.

Eligibility provisions do not apply to applicants who are already secure, introductory, or assured tenants of a Registered Provider seeking to transfer.

Confirmation of immigration status of an applicant from abroad will be obtained, where necessary, from the Home Office.

Even when a person is eligible for an allocation of social rented housing, only persons who are habitually resident in the Common Travel Area will be eligible for an allocation (except persons which exempt from the requirement to be habitually resident, as defined in law or statutory guidance). If it is apparent that an applicant came to live in the EU during the previous two years, the following tests will be carried out to confirm if an applicant is habitually resident:

- The degree of permanence in the person's residence in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man or the Channel Islands.
- The association between a person and their place of residence.

- Why a person has come to live in the UK.
- Whether a person is joining family or friends in the UK.
- Whether a person has accumulated a continuous period of residence prior to making their application.
- The length of residence in another country.
- Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded.
- A person's future intentions, employment prospects and centre of interest.
- Exemptions from the habitual residence test include EEA nationals and their family members who are workers or self-employed, or have certain permanent rights of residence, or have been removed from another country to the UK.

Persons who are subject to immigration control or are an ineligible person from abroad, will not be eligible for an allocation of social rented housing.

The Local Authority will carry out appropriate checks on an applicant's eligibility to be allocated social rented housing but will ensure these checks are not discriminatory on the basis of race, nationality, ethnic origin, or any other protected characteristic as defined by the Equality Act 2010. The Local Authority will monitor performance in screening housing applications for immigration status to ensure that members of ethnic minorities, who are eligible for an allocation of social rented housing, do not experience unreasonably long delays while their application is being considered. Where there is any uncertainty about an applicant's immigration status, the Local Authority shall contact the Home Office. Before doing so, applicants will be advised that such inquiries will be made in order to comply with data protection legislation. Local Authority administrators will be given training about housing allocation law and practice and the duties and responsibilities under the Equality Act 2010. The Local Authority shall ensure that language and interpretation support is available for applicants who have difficulty reading or speaking English.

The Local Authority is not subject to the duty arising from the Immigration Act 2014, part 3, chapter 1, to carry-out a 'right to rent' check on each letting. The Local Authority will only perform checks on the eligibility of any applicant.

2.6. Qualification

The following rules apply to new applicants and Transfer Applicants. Any persons who have been allocated social rented housing via Under One Roof within 12 months of a new application, whose accommodation remains suitable, will be disqualified.

The following paragraphs explain those applicants who are disqualified from joining the housing register.

Persons incapable of holding a tenancy agreement, which extends to:

1. Persons defined as a child in English and Welsh law (anyone aged 0 - 17 inclusive). An applicant who is a child aged 16 or 17, (who may or may not also feature another person(s) aged 16 or 17 as a usual household member(s)), that has an adult who will act as a trustee and hold a legal tenancy until the legal incapacity to hold a tenancy ends, will be able to qualify to join the housing register.
2. Persons defined as a child in need as a result of a statutory assessment carried out in accordance with Children Act 1989, section 17. When making decisions about the qualification of a child aged 16/17 or an adult (a person aged 18 years and over) who is leaving the care of the Local Authority, full regard will be made to any protocol agreed between the Local Authority's children services and housing services for rehousing care leavers. Where a care leaver is under 18 years, Children's Social Care will ensure there is in place a full care package and an undertaking to be responsible for all aspects of the tenancy until the young person reaches the age of 18 years.
3. Persons lacking mental capacity as defined in the Mental Capacity Act 2005. Where the Local Authority needs social housing to facilitate the

accommodation and care of a person lacking mental capacity, Adult Social Care can make the application on behalf of the person needing housing, as long as there is in place a full care package and an undertaking to be responsible for all aspects of the tenancy.

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

- Having an unspent conviction of a serious offence, committed in the locality of their property, against a person with a right to reside or occupy or accommodation.
- Having an unspent conviction of a serious offence, committed elsewhere against the Local Authority or a Registered Provider or agents acting on their behalf, which directly or indirectly was related or affected carrying out housing management functions.
- Perpetrators of domestic abuse who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order, which is in force at the date an application is being determined.
- Having an unspent conviction at the date an application is being determined for a serious offence as defined by the Serious Crime Act 2007, Part 1, Schedule 1, committed in the locality of a property against

another person or the Local Authority or a Registered Provider.

- Breaching a provision of an injunction under section 1, conviction under section 30, or an order made under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which occurred in the locality of a specified property or elsewhere which caused nuisance, annoyance, harassment, alarm or distress to a person in the locality or the Local Authority or a Registered Provider, or resulted in access to property that has been prohibited under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014, for a continuous period of more than 48 hours.
- Having an unspent conviction for an offence under section 80(4) or 82(8) Environmental Protection Act 1990, concerning noise from a property which was a statutory nuisance as per section 79(1), Part 3 of the Environmental Protection Act 1990.
- Having an unspent conviction for an offence under the Fraud Act 2006, Forgery and Counterfeiting Act 1981 or Social Housing Fraud Act 2013, involving withholding, falsifying or misrepresenting any information to be allocated social rented housing or sub-letting of social housing by current tenants.

Within the past 12-months, having committed any other behaviour that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A. This includes an applicant being responsible for:

- a. Causing nuisance or annoyance to other; people living, visiting or carrying out lawful activities in the locality of their home, and/or employees of the Local Authority, or people employed by other organisations, to carry out housing management functions, for the Local Authority.
- b. Causing an offence, or another adult residing with them, for which they were convicted for, which took place during and at the scene of a riot in the UK.
- c. Causing violence or threats of violence towards another person or their family members, who were living at the same property as the

applicant, which resulted in them leaving and being unlikely to return the property.

- d. Allowing acts of waste or neglect of their property or common parts of a building in which their property is situated, or failing to take reasonable steps to stop any person residing with them to cause acts of waste or neglect to the property.
- e. Allowing furniture, provided by a landlord for use as part of their tenancy, or for use in common parts, to deteriorate due to ill-treatment, and in a circumstance where a lodger has caused the ill-treatment, not taking reasonable steps to evict that lodger.
- f. Being granted a tenancy as a result of deliberately and rashly making a false statement, made by themselves or another person at their prompting.

Persons (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) who have outstanding liabilities (such as rent or service charge arrears, or recharges) attributable to a tenancy which are more than 2/12ths of the annual amount payable (or which was payable) by an applicant to a landlord in respect of a tenancy. When determining a realistic repayment agreement, there will be an emphasis on an applicant's willingness to address the debt and to come to an agreement to do so. Any agreement will be based on the affordability of an applicant, rather than the level of debt. Efforts will be made to take into consideration why the arrears have arisen. The urgency of an applicant's housing need will also be of paramount importance.

For the purpose of this Policy, outstanding rent arrears or debts which fall within the following categories will be disregarded:

1. Any outstanding liability (such as rent arrears and other housing related debts) attributable to a tenancy of which the applicant (or anyone who usually lives with them, or might reasonably be expected to live with them) is not, and was not when the liability accrued, the tenant.
2. Any rent or other liability which is outstanding, but where the amount outstanding is less than 1/12th of the annual amount payable (or which

- was payable) to a landlord in respect of a tenancy, or the applicant has both (i) agreed payments with a landlord for paying the outstanding liability, and (ii) made payments in line with that arrangement for at least three months and is continuing to make such payments.
3. Any outstanding liability of an applicant or anyone who will live with them, which does not relate to the tenancy of a property.
 4. Any outstanding liability that has been declared unenforceable or statute barred (e.g. any debts that can no longer be recovered through court action). For rent arrears this will be after six years. (Debts which are subject to court action before the unenforceable period begin, will not become statute barred).
 5. Any outstanding liability arising due to under occupation of an existing property due to the implementation of the Welfare Reform Act 2012.

Persons (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) who have been found to have breached any of the following tenancy conditions, regardless of tenure:

- Sub-letting part or the whole of the property without permission.
- Purposely failing to report repairs.
- Failing to allow contractors to enter the property to carry out maintenance.
- Running a business from the property without permission from the landlord.
- Having an unspent conviction for using or allowing their property to be used for illegal or immoral purposes.
- Having an unspent conviction for an indictable offence committed in, or in the locality of their property.
- Acts of waste or neglect of their property or common parts of a building in which their property is situated.
- The condition of furniture provided by the Local Authority or a Registered Provider for use under the tenancy or in common parts has deteriorated due to ill treatment.
- Obtaining a tenancy by knowingly or recklessly making false statements.

- Or any other scenario that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A.

Persons who are not resident in the Local Authority and do not have a minimum of two years continuous connection to the area, due to any of the following factors (disregards apply to persons who are survivors of domestic abuse and Armed Forces personnel):

Residence - decisions made about local connection will be based on a person (or any person who lives with them, or might reasonably be expected to) being normally resident within the Local Authority of their own choice for a minimum period of two years. Being normally resident includes permanent housing but also includes anyone who has nowhere to live, occupying interim accommodation provided under the Local Authority's homelessness duties, community care duties, or other duties. Persons who have been detained in the Local Authority (e.g. in prison or hospital), will not be able to establish a local connection as this does not constitute a choice of being resident in the area. Nor will former asylum seekers who were previously accommodated under Immigration and Asylum Act 1999, section 98 (temporary support) or section 4 (hard cases support), or former asylum seekers previously accommodated under the Asylum Seekers (interim Provisions) Regulations).

Employment - a connection established by employment (including an apprenticeship) will be limited to the usual place of work. Any work that is short-term (e.g. a contract of employment is less than 12 months), marginal (e.g. less than 16 hours per week and earnings allow for claiming Universal Credit or entitlement to Working Tax Credits), ancillary (e.g. occasional (even regularly) work is undertaken in the Local Authority area, but the main place of work is outside the Local Authority area) or voluntary (e.g. where no payment is received, or payment is made only for expenses) will not be taken account of. Transfer Applicants who are in Band A or Band B and need to move because they work in the Local Authority area or need to move to take-up an offer of work will be

exempt from this qualification criteria. When deciding, the Local Authority will consider evidence (the following list is not exhaustive, and the Local Authority will consider any other appropriate factors and local circumstances):

- a. The distance and/or time taken to travel between work and home.
- b. The availability and affordability of transport, taking account the level of earnings.
- c. The nature of the work and whether similar opportunities are available closer to home.
- d. Other personal factors, such as medical conditions and child care, which would be affected if a move could not take place.
- e. The length of the work contract.
- f. Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, such as taking a better job, a promotion, or an apprenticeship.
- g. In circumstances where a job is being offered, and there is a need to move to take it up, and their intention to take up an offer of employment.
- h. Verification of employment, or an offer of employment, and acceptance of it from the employer, such as:
 - i. a contract of employment;
 - ii. wages/salary slips or bank statements in cases of zero hours contracts;
 - iii. proof of receipt of tax and benefit information;
 - iv. a formal offer letter.

Family associations – a connection established by family relationships will be limited to near relatives (e.g. parents/other guardians, siblings, adult children where there is sufficiently close links in the form of frequent contact) and their residence being within the Local Authority for a minimum period of five years. Applicants who can prove they have a continuing caring responsibility for someone who is resident in the Local Authority area, and that this care could not be provided unless they were resident in the region, will be exempt from local connection

requirements.

Other special reason – persons who need to be near special medical or support services which are only available in the Local Authority area will be exempt from local connection requirements.

Care leavers – persons aged 18-25 if they are pursuing a programme of education agreed in their pathway plan, who are owed a duty under Children Act 1989, section 23C, by Warrington Borough Council will be deemed to have a local connection to the Local Authority area.

Persons (be it the applicant, or anyone who usually lives with them, or might reasonably be expected to live with them) who are homeowners, encompassing anyone who has a mortgage for the whole or part of their home. This includes land and anything built on land, and can be property currently owned or that has previously been owned in the UK or abroad. Applicants who own property will be able to qualify for an allocation of social rented housing in the following circumstances:

- Property has been valued as having negative equity (or limited equity in respect of disabled adaptation to be made).
- Where the property has not been let, but the owner cannot secure entry to the property, for example due to it not being safe to enter the property due to severe structural faults, or there are squatters living in the property.
- Where it is probable that occupying the property will lead to abuse from someone living in the property.
- Where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant whether in that property or elsewhere.
- Where the Local Authority has issued a Prohibition Order under the Housing Act 2004 due to continued occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by an applicant to prevent that danger (e.g. where it is not possible to adapt a property due to the physical arrangements of a dwelling, or the cost of adaptations is prohibitive, or an applicant is in

negative equity).

Persons (be it the applicant or anyone who usually lives with them or might reasonably be expected to live with them) with financial resources consistent with the UK Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates (disregards apply to Armed Forces personnel).

The Local Authority will consider whether an applicant qualifies to join the housing register, at both the time of the initial application and then again when an allocation is made. A decision that an applicant is disqualified will be notified in writing with the grounds for that decision. Applicants will be notified of their right to request a review of such a decision and will be notified in writing of the grounds of any review decision made. Following the conclusion of a review, applicants will be notified of their right to apply for a judicial review on any point of law. Applicants will be notified of their right to make a complaint to the Local Authority, if they remain dissatisfied upon conclusion of any internal complaints investigation and their right to ask the Local Government & Social Care Ombudsman or the Housing Ombudsman to investigate claims of maladministration.

Persons who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm, will be exempt from local connection requirements, as will those who have sought a place of safety in a refuge or other form of temporary accommodation in the Local Authority area. Property ownership conditions will also be disapplied.

Any compensation for an injury or disability sustained on active service with the Armed Forces or Reserve Forces will be disregarded when calculating financial resources. Any mesne profit debts accrued by occupants of service families accommodation will be disregarded, subject to them providing a copy of their notice to vacate or Certificate of cessation of Entitlement to Service Families Accommodation (the Local Authority may contact the Ministry of Defence Loss of Entitlement team by emailing DIORDAccn-LOETeam@mod.gov.uk with any queries about the status of such applicants.

The following applicants who are members of the Armed Forces community are exempt from local connection:

- Persons who are currently serving in the Regular Armed Forces or were serving in the Regular Armed Forces and their spouses.
- Bereaved spouse or civil partners of persons who are serving in the Regular Armed Forces, where the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner and the death was wholly or partially attributable to their service.
- Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partially attributable to their service.
- Divorced or separated spouses or civil partners of Service personnel, who are required to move out of accommodation provided by the Ministry of Defence.
- Adult children of service personnel who are no longer able to remain in the family home due to the impact of their family moving from base-to-base.

2.7. Determining eligibility and qualification

The Local Authority or its delivery agent will check an applicant's eligibility and qualification to join Under One Roof when they initially apply, plus (assuming satisfaction of the tests at that stage) again when an allocation of a specific property is made. This will allow administrators to be aware of any changed circumstances that might have occurred subsequent to the initial application, which might render an applicant not eligible or disqualified for an allocation of social rented housing.

2.8. Notifications of decisions and right to a review

The Local Authority will provide all applicants found to be not eligible or

disqualified with written notification and the grounds for the decision. Information will also be provided on any rights they have to request an internal review.

2.9. Re-application

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

2.10. Exercising Discretion

The Local Authority retains the right to consider the exceptional circumstances of individual cases and to apply discretion to qualification.

There may be cases where the exercising discretion may be necessary such as where a case has presented to the Councils Multi Agency Housing Panel (AKA Hard to House).

Cases can be presented by professionals to this multi-agency panel where a client is unable to obtain housing through the usual routes, often because of a poor housing history.

Exceptional circumstances do not apply to people who do not qualify for social housing or homelessness assistance.

2.11. Adopting this Policy

This Policy has been subject to an equality impact assessment required under equalities legislation, carried-out in accordance with the Local Authority's own equalities policies and Policies. Other local housing authorities, registered

providers, public authorities, voluntary organisations and other people and organisations were afforded a reasonable opportunity to comment on a draft version of this Policy. Prior to adopting this Policy, views were elicited from former, current and future potential applicants.

The Local Authority will review this Policy at least every three years, however amendments will be made as result of any significant change in legislation, regulations and/or circumstances. Any major change to this Policy will be subject to further consultation or notification.

All applicants who are existing members of the housing register under previous Allocations Policies will be invited to confirm their intention to remain as members of the housing register and their circumstances, including eligibility and qualification to the revised scheme, will be reassessed against the new Policy. Existing applicants will retain their date of membership but, subject to circumstances, may receive an alternative banding outcome. The local connection criteria will be implemented for all existing applications from the date of commencement of this new Policy.

An annual report will be published by the Local Authority about allocations made as result of this Policy. This report will inform whether the purpose and principles set out in section one of this Policy are being accomplished. The report will consider matters such as:

1. Who was allocated social rented housing?
 - a. characteristic (e.g. age, gender, household formation etc)
 - b. eligibility and ineligibility
 - c. qualification and disqualification.
2. What social rented housing was allocated?
 - a. number of bedrooms
 - b. property types
 - c. tenure type (e.g. affordable rent, social rent, supported, etc).

3. When was social-rented housing allocated?
 - a. waiting times by band.
4. Where was social rented housing allocated?
5. With whom was social rented housing allocated?
 - a. by registered provider.
6. Why was social rented housing allocated?
 - a. reasonable preference
 - b. victims of domestic abuse
 - c. armed forces veterans
 - d. local connection
 - e. right to move criteria.
7. How was social rented housing allocated?
 - a. choice
 - b. direct let
 - c. final offer
 - d. review.

All local authority administrators involved with the operation of this Policy, will receive training on how to administer the Policy prior to its introduction, or within six months of being appointed into post. This training will be revisited as training needs are identified, e.g. legislative change. Specialist training on identifying and understanding the specific needs and circumstances of victims of domestic abuse and the Armed Forces community, will be provided to all administrators within six months of being appointed into post.

3. Determining priority for an allocation for housing

Applicants will be prioritised for an allocation of social rented housing, in the local authority area to which they have a local connection, according to:

Bands, in the order of A to D – with bands that are * given priority to the

associated Band below e.g., Band A* will receive priority above Band A, Band B* will receive priority above Band B.

Where two or more applicants might have the same priority, then by the date they were accepted into the Band they are placed in at the time an offer is made.

Where two or more applicants still might have the same priority, then a decision will be made on the applicant that is most suitably matched to the property based on needs.

Allocations for social housing accommodation will be prioritised strictly as set out below:

1. Applicants who have been awarded an additional preference, in addition to the requirement to be afforded a reasonable preference for an allocation of social housing accommodation – Band A* and Band A as outlined below.
2. Applicants whom statute stipulates must be afforded a reasonable preference for an allocation of social housing accommodation - Band B* or Band B as outlined below.
3. Applicants who have been awarded a reasonable preference due to overcrowding of one bedroom – Band C* as outlined below.
4. All other applicants for whom no additional or reasonable preference has been afforded – Band C as outlined below.
5. Applicants who have exhausted their right to refuse an allocation of social rented housing - Band D as outlined below.

Band A* will consist of applicants who will be awarded additional preference, in addition to being entitled to a reasonable preference for an allocation of social housing accommodation where there is an urgent need to move from temporary accommodation. These applicants are defined for the purpose of this Policy as persons in the following circumstances:

1. Owed a duty under Housing Act 1996, Part 7, specifically, those who are:

- a. Not intentionally homeless and have a priority need for accommodation, owed the section 193 duty.
- b. Persons leaving care of the Local Authority's children services

Band A will consist of applicants who will be awarded additional preference, in addition to being entitled to a reasonable preference for an allocation of social housing accommodation. These applicants are defined for the purpose of this Policy as persons in the following circumstances:

1. Homeless, specifically owed the section 189B initial duty owed to all eligible persons who are homeless.
2. Victims of domestic abuse (defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial, economic and emotional abuse) who have been identified as high-risk victims of domestic abuse at a local Multi Agency Risk Assessment Conference.
3. A reasonable prospect of an accommodation offer within a relatively short period who suddenly lose their existing home as a result of a disaster, such as those who are required to leave their home due to fire safety concerns identified by the Merseyside Fire & Rescue Service.
4. Severely overcrowded due to lacking three or more bedrooms. For the purposes of determining overcrowding, an assessment will be made against the minimum room size for licensed HMOs (for licences issued after 01st October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
 - a. A married or cohabiting couple,
 - b. Adult aged 21 years or more,
 - c. Pair of adolescents aged 10-20 years of the same gender,
 - d. Pair of children aged under 10 years regardless of gender,
 - e. An adolescent aged 10-20 years paired with a child aged under 10

- years of the same gender,
- f. An unpaired adolescent aged 10-20 years,
 - g. An unpaired child aged under 10 years.
5. Medical condition is expected to be terminal and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The Local Authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.
 6. Medical condition is life threatening and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The Local Authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation.
 7. Planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy.
 8. Persons who have been former care leavers of the Local Authority who are in housing need up to the age of 25 years.
 9. Persons approved by the Local Authority as foster carers or to adopt, who

need to move to a larger home in order to look after a child under the care of the Local Authority's children services, including those who require a larger property in order to secure a Special Guardianship order or Child Arrangement Order in respects to a looked after child or for a child that is deemed at high risk of becoming looked after otherwise.

10. Members of the Armed and Reserve Forces, such as:
 - a. Former members of the Regular Armed Forces.
 - b. Serving members of the Regular Armed forces 6 months prior to discharge.
 - c. Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability (encompassing a mental ill health condition) which is wholly or partially attributable to their service.
 - d. Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability which is wholly or partially attributable to their service.
11. Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.
12. Victims of racial harassment amounting to violence or threats of violence. Confirmation from criminal justice agencies will be required.
13. Victims of hate crime amounting to violence or threats of violence due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation. Confirmation from criminal justice agencies will be required.
14. Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes. Confirmation from criminal justice agencies will be required.
15. Those who require rehousing due to a compulsory purchase order and/or subject to a local authority approved regeneration Policy.

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

1. Threatened with homelessness, owed the (prevention) section 195 duty.

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

1. Homeless, as defined by Housing Act 1996, Part 7, section 175, and have made an application for homelessness assistance.
2. Owed a duty under Housing Act 1996, Part 7, specifically, those who are:
 - a. Intentionally homeless and have a priority need for accommodation, owed the section 190 duty.
3. Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. The Environmental Protection Act 1990 (in relation to premises which pose a statutory nuisance to the occupant), Part 3, Housing Act 1985, Part 10 (relating to overcrowding) and the Housing Act 2004, Part 1 (relating to hazardous housing) will be taken account of by the Local Authority when determining an applicant's housing conditions. The following list of is intended to be illustrative and in no way prescribed or definitive:
 - a. Lacking a bathroom or kitchen, as verified by an Environmental Health Officer or equivalent.
 - b. Lacking an inside WC, verified by an Environmental Health Officer or equivalent.
 - c. Lacking cold or hot water supplies, electricity, gas, or adequate heating, as verified by an Environmental Health Officer or equivalent.
 - d. overcrowded due to lacking two or more bedrooms. For the purposes of determining overcrowding, an assessment will be

made against the minimum room size for licensed HMOs (for licences issued after 01st October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:

- i. A married or cohabiting couple,
 - ii. Adult aged 21 years or more,
 - iii. Pair of adolescents aged 10-20 years of the same gender,
 - iv. Pair of children aged under 10 years regardless of gender,
 - v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
 - vi. An unpaired adolescent aged 10-20 years,
 - vii. An unpaired child aged under 10 years.
- e. Property in disrepair, as verified by an Environmental Health Officer or equivalent.
 - f. Under-occupying social rented housing.
4. Needing to move on medical or welfare grounds (including grounds relating to a disability), due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. Evidence will be required from a health or social care professional with direct knowledge of the applicant's condition for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The Local Authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation. Once accommodation is allocated to a person with medical or welfare needs, their support and care needs may be assessed jointly by social services, housing support providers, NHS Trusts, and other relevant agencies. The following list is intended to be illustrative and in no way prescribed or definitive:

- a. A mental illness, including but not limited to current or former Armed Forces personnel suffering from depression, anxiety, post-traumatic stress disorder, a family member of victims of domestic abuse who are suffering the effects of violence or threats of violence.
- b. A physical or learning disability of any member of the applicant's household.
- c. Chronic or progressive medical conditions (e.g. MS, HIV/AIDS).
- d. Frailty due to old age.
- e. The need to give or receive care.
- f. Victims of domestic abuse (defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse), including those have been provided temporary protection in a refuge or other form of temporary accommodation – with the exception of applicants assessed via the Multi Agency Risk Assessment Conference which are Band A.
- g. The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse.
- h. Experiencing or at risk of abuse, harm or self-neglect from others or from self.
- i. Young people at risk.
- j. Need adapted housing and/or extra facilities, bedroom or bathroom.
- k. Need ground floor accommodation (on medical and/or social care grounds).
- l. Need to be near friends/relatives or medical/social care facilities on medical or social care grounds.
- m. Need to move following hospitalisation or long-term care on medical and/or social care grounds if existing home is no longer suitable.

- n. Moving on from short-term supported housing, hostels and recovery housing, including specialist accommodation for those with mental health issues where the provider of the service has confirmed that the applicant is ready to move on to independent accommodation.
5. Needing to move to a particular locality in the district of the authority, where failure to meet this need would cause hardship (to themselves or others). The following list is intended to be illustrative and in no way prescribed or definitive:
- a. Victims of racial harassment.
 - b. Victims of hate crime due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.
 - c. Witnesses of crime, or victims of crime, who would be at risk of intimidation if they remained in their current homes.
 - d. Escaping anti-social behaviour such as harassment, alarm, distress, as result of nuisance or annoyance in relation to the occupation of their premises, or as a result of housing-related nuisance or annoyance, from a person. *(Sections a-d will require confirmation from criminal justice agencies).*
 - e. Give or receive care where current geographic circumstances limit the ability to do this.
 - f. Access specialised medical treatment.
 - g. Take-up a particular employment, education or training opportunity and in respect of Transfer Applicants, be closer to work (see section 3.2.7.2 for definition).
 - h. Due to housing benefit restrictions or other constraints on income from benefits (e.g. benefit sanctions) which would result in financial hardship.

Band C* will consist of applicants who are overcrowded due to lacking one bedroom. For the purposes of determining overcrowding, an assessment will

be made against the minimum room size for licensed HMOs (for licences issued after 01st October 2018) or the UK Government's Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:

- a. A married or cohabiting couple,
- b. Adult aged 21 years or more,
- c. Pair of adolescents aged 10-20 years of the same gender,
- d. Pair of children aged under 10 years regardless of gender,
- e. An adolescent aged 10-20 years paired with an child aged under 10 years of the same gender,
- f. An unpaired adolescent aged 10-20 years,
- g. An unpaired child aged under 10 years.

Band C will consist of all other applicants who have not been afforded an additional preference or are not entitled to a reasonable preference.

Band D will consist of applicants from Band A or B, who have exhausted their right to refuse an allocation of social rented housing (see section 5.15), or have failed to bid as follows where a suitable property would have been available:

Band A – failed to bid after a period of 6 weeks

Band B – failed to bid after a period of 12 weeks

Applicants will remain in Band D for a period of 12 months from date of final refusal.

Applicants whose circumstances change once they've been accepted onto the housing register must notify the Local Authority of such changes. A failure to do so could result in an applicant becoming disqualified and facing prosecution for fraud. If as a result of a change in circumstances an applicant gains a higher banding preference for re-housing (e.g. they move from Band B up to Band A), their acceptance date will be amended to reflect the date of the change. If as a result of a change in circumstances an applicant is assessed as having the same banding preference (e.g. they remain in Band B), the original acceptance date will remain in force. If as a result of a change in circumstances an applicant is

assessed as having less banding preference (e.g. the move from Band B down to Band C), the original acceptance date will remain in force. If as a result of a change in circumstances an applicant becomes ineligible or disqualified, then they shall cease to be registered on the housing register. Exemptions will be allowed in exceptional circumstances by approval of a senior officer, in relation to applicants who:

1. Are guilty of unacceptable behaviour that would make them unsuitable to be a tenant.
2. Owe more than two month's rent.

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

4. Local lettings Policies

The Local Authority and registered providers can use local lettings Policies to achieve a wide variety of housing management and policy objectives subject to agreement with the Local Authority. The following list is intended to be illustrative and in no way prescribed or definitive:

1. Allocating accommodation in rural villages and giving priority to applicants with a connection to a particular parish.
2. Creating more mixed and/or sustainable communities.
3. Dealing with a concentration of deprivation.
4. Ensuring properties that are particularly suited to being made accessible (e.g. ground floor flats) are prioritised for those with access needs.
5. Ensuring that new build housing schemes are inclusive and accessed by members across the housing register.
6. Relocating essential workers such as teachers, nurses and police officers within a reasonable travelling distance from their work.
7. Supporting people in work/volunteering or who are seeking work or seeking volunteering opportunities.

8. Dealing sensitively with lettings in rural areas to sustain communities by giving priority to those with a local connection of more than two years.
9. Where a child to adult ratio could be lowered on an estate where there is high child density or, conversely, young single people could integrate into an estate where there is high ratio of older persons.
10. Where there are reasons to positively discriminate due to age, for example accommodation is only suitable for applicants due to specialist provision or age requirements.

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

- A clear definition of the objective(s) to be achieved, backed up by evidence.
- A method which is likely to achieve the objective(s).
- An equality impact assessment.
- How the Policy will be monitored and who will be involved.
- Mechanisms of reporting and reviewing the Policy.
- How the views of local communities have shaped the Policy.
- A clear exit strategy.

A local lettings Policy may be adopted for specific types of accommodation which provide with linked support services, for example:

1. Older persons apply for accommodation at an Extra Care Policy. A joint assessment of the applicant's housing, care and support needs will be undertaken by the Local Authority's housing and adult social care departments, subject to consent from the applicant.
2. Single parents aged 16/17 years, who are not living with their parents. A joint assessment of the applicant's housing, care and support needs will

- be undertaken by the Local Authority's housing and children services departments, subject to consent from the applicant.
3. Rough sleepers and people at risk of rough sleeping. An assessment of housing and support needs will be undertaken by the Local Authority housing department, adult social care department, or an organisation commissioned by the Local Authority to provide support to people sleeping rough or at risk of rough sleeping.
 4. Sex offenders. A joint assessment of will be undertaken by Cheshire Police, National Probation Service, the Local Authority's homelessness service, adult social care department, health professionals and other bodies to manage risk to the community.

5. Avoiding discrimination and enhancing equality of opportunity

An equality duty is imposed on the Local Authority by the Equality Act 2010, section 149. Regard has been made to this public-sector equality duty when formulating this Policy and it will inform decision making on individual cases. Allocations of social rented housing will be monitored to determine whether equal opportunities obligations are being met, to identify any negative impact on people with protected characteristics. A plan will be adopted to mitigate any negative impacts.

This Policy intends to ensure that at all times non-discriminatory decisions will be made about the allocation of social rented housing. Regard has been had to advice on allocating housing to disabled people published by the Equality and Human Rights Commission, along with other associated research and guides that are available.

When formulating this Policy, an equality impact assessment was undertaken to avoid discrimination and to demonstrate compliance with the public-sector equality duty. Particular attention has been paid to the housing needs of refugees, Gypsies and Travellers, people with disabilities, older people, people with mental health problems, and people who identify as lesbian, gay, bisexual

or transgender. Any substantial variation to this Policy will also be subject to an equality impact assessment. For further information, please see *the Councils Equality Impact Assessment*.

This Policy has been formulated to ensure compliance with the Equality Act 2010 and the European Convention on Human Rights Article 14 and regard has been had to the advice and guidance published by the Equality and Human Rights Commission for social housing providers on housing discrimination. The administration of the Policy will be undertaken, in a non-discriminatory manner so not to treat any person directly or indirectly less favourably than others because of a protected characteristic, with particular attention being paid to people with a disability.

The Local Authority will provide regular, accurate and generalised information on how Under One Roof is managed, to actively dispel any misconceptions arising about the allocation of social rented housing in the borough.

Applicants will be informed of their rights to seek assistance from the Equality and Human Rights Commission, if they believe the Local Authority has breached the Human Rights Act 1998, by contravening their human rights or unlawfully discriminated against them.

6. Best interests of children

When formulating this Policy, the Local Authority has considered the need to safeguard and promote the welfare of children, in accordance with the Children Act 2002, section 11.

This Policy and administration will accord the objectives and actions set out in the Local Authority's joint working protocol agreed by housing services and children services.

When making decisions about individual applications for an allocation of social rented housing, the best interests of any children involved will be treated as a

primary (but not overriding) consideration. Active involvement from the Local Authority's Children Services department will be sought, when making decisions about housing allocations where there is involvement with an applicant or a usual member of their household, from the Local Authority's Children Services. A discussion about the prioritisation of applicants will take place prior to the introduction of the Policy. If there is some uncertainty about whether an applicant should qualify specifically due to matters relating to children services' duties, the Children Services department will be consulted.

7. Discretion

Discretion about qualification or the allocation of social rented housing can be exercised by the Service Manager of the service, in consultation with a designated officer of the Council. Examples of circumstances in which discretion may be applied include, but are not limited to:

- Providing protection to people who need to move away from another area, to escape violence, harm, or intimidation.
- Enabling homeless families whom the Local Authority placed outside its area who need to return.
- Enabling those who need support to rehabilitate and integrate back into the community.
- Responding to identified high risk of harm in which an allocation needs to be made due to the urgency of the circumstances.

8. The Allocation of Social Housing

The matter of how the allocations policy works in practice has not yet been decided and is open to discussion and consultation.

The two methods to be considered are:

- Choice Based Lettings

- Direct Lets

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

8.1. In general

Following a nomination of social rented housing by the Local Authority or their agent, applicants will be given a reasonable period to properly consider whether to accept it. Applicants who are vulnerable applicants, unfamiliar with the property being offered, applicants in hospital, need to arrange a support worker to be present at the viewing, are working, or have childcare commitments will be given longer to consider the property offered. The actual letting will be handled by a Registered Provider, who will complete the letting following the offer and acceptance of a tenancy agreement by the applicant.

Upon refusal of a final allocation, applicants will be reduced in preference for a period of 12 months, resulting in a demotion from either Band A, B or C down to Band D.

Applicants will not be offered a property that would result in them being statutorily overcrowded. Applicants who receive support from a carer who does not live with them and who is required to stay overnight, will have their need for a spare room taken account of whenever possible.

Parloured three-bedroom properties will be considered to be the equivalent of four-bedroom properties for allocations if the criteria of the following circumstances are met:

- (i) No gas fire is present in the ground floor living space to be used as a bedroom.
- (ii) Sufficient means of escape (window) is in the ground floor living space to be used as a bedroom.
- (iii) The ground floor space is a defined room with a door.
- (iv) The room should be of a sufficient size to reflect the proposed number of

occupants.

- (v) That the parloured bedroom should not be used for children aged under 10.

Existing properties on the ground floor, with an accessible bathroom or an additional bathroom or toilet will be offered to applicants who have a medical need for such a dwelling over an applicant who has no need for such accommodation. In relation to larger family homes (4 bedroom plus) the medical needs of applicants will be considered in allocating larger properties with ground floor bathrooms.

Any particular needs of older persons and applicants with medical needs will be taken account of. The needs of applicants who been approve by the Local Authority to adopt or foster and require a larger property will be taken account of.

The extent and circumstances of an applicant's household will be taken account of, as to whether they would be eligible or qualify in their own right or not. Bedrooms will be allocated to each (this includes students and members of the armed forces or reserve forces if they are away and intend to return home):

- Couples who are married, have a civil partnership or who are cohabiting.
- Adults aged 16 years or more.
- Single or a pair of adolescents aged 11-16 years of the same gender.
- Single or a pair of children aged 1-10 years regardless of gender.
- An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority.
- An overnight carer for any usual household member, if the carer isn't a usual household member.
- Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement.
- A new approved foster carer for up to 52 weeks of approval if no child has been placed with the applicant's household during that time.

In relation to shared care arrangements, where parents who do not live together have shared care of their children the children are only treated as living with the parent that is treated as responsible for them and provides their main home. For a person to be treated as responsible for a child or young person, the child or young person must normally be living with that person. If a child or young person spends equal amounts of time in different households, or there is a question as to whom they normally live with, they will be treated as living with the person who is receiving child benefit for them.

Applicants will not be made an offer of a property in a locality (e.g. electoral ward, parliamentary constituency) in which he or she has previously been the perpetrator of anti-social behaviour, hate crime, violence or domestic abuse, or where the victim now currently lives. Agencies will need to be mindful that exclusion of perpetrators does not result in disclosure of the location of the victim through this policy.

The letting of a property, including whether a joint tenancy will be granted, is beyond the scope of this Policy. Registered Providers have their own allocation rules and policies that dictate how lettings will be agreed.

Applicants will be informed by the relevant Registered Provider, at the point of an allocation, if the property will be furnished or unfurnished.

Applicants will be provided with an opportunity to view the property prior to accepting or rejecting the dwelling being offered. Applicants can expect properties to be fit for occupation at the date of the letting, or that any repairing obligations imposed on a registered provider, will be met within a reasonable time of commencement of the tenancy.

Transfer Applicants will be made an offer that ensures they do not inadvertently lose accrued rights and will be tenancy of equivalent form to that which they are transferring from. Arrears of rent outstanding on a previous tenancy can be transferred to the new one when both properties are held by the same Registered Provider, subject to agreement with their Landlord as to how those arrears will be cleared (compliance with the arrears agreement will

be a term of the new occupancy agreement). This will be at the discretion of each Registered Provider.

The Local Authority has not developed a specified position on pets in social rented housing. Registered Providers are expected to set out their position clearly in property advertisements and tenancy agreements.

9. Other Arrangements

9.1. Applications to Registered Providers

Registered Providers have a duty to maintain rules and policies concerning the allocation of social rented housing. The contents of such rules and policies should reflect the law and also regulations found in the Tenancy Standard, published by the Regulator of Social Housing. Information about housing allocation rules and policies of Registered Providers are available directly from these organisations. Copies are also available from the Local Authority and can be found on the housing register website. Applicants that have a dispute about housing allocation rules and policies of a Registered Provider will be informed of their right to make seek judicial review and/or make a complaint directly to the organisation, and if they remain dissatisfied to the Housing Ombudsman.

People who make an application to the Local Authority for social rented housing, are in no way restricted from also making separate additional applications directly to any Registered Provider, where their own housing allocation rules and policies allow this.

9.2. Nominations

Nominations agreements have been adopted between the Local Authority and registered providers that own and/or manage social rented housing in the Local Authority district. All such agreements prescribe the portion of lettings that any registered provider will make available to the Local Authority. The agreements also have a criterion for how registered providers can accept or reject a

nomination, plus describe how any disagreements about nominations will be resolved.

The Local Authority and Registered Providers that it has entered into nomination arrangements with have agreed an information sharing protocol that accords with the General Data Protection Regulation and Data Protection Act 2018. The Local Authority will require written consent from an applicant to share their information with a Registered Provider.

A system has been adopted to monitor the effectiveness of the nominations agreements, to allow the Local Authority to satisfy itself that it is fulfilling its legal obligations to allocate social rented housing. An annual report on nominations agreements will be presented to elected councillors of the Local Authority and will be shared with registered providers who have entered into a nomination agreement with the Local Authority.

9.3. Transfers

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

9.4. Complaints, appeals and legal challenges

Applicants will be informed of their rights to make a complaint about a private registered provider of social housing's decision to reject a nomination for an allocation of social rented housing. The methods by which complaints can be made are set out in the housing allocation rules and policies published by registered providers. Applicants that have a dispute about the housing allocation rules and policies of registered providers will be informed of their right to make a complaint directly to the organisation, and when still dissatisfied after their complaint has been investigated, to the Housing Ombudsman. Applicants will also be informed of their right to seek judicial review on any point of law of a registered provider's decision to reject a nomination of social rented housing.

Applicants will be informed of their right to seek a judicial review of a registered provider's decision making on a nomination for social rented housing. Additionally, applicants who consider that there has been unlawful discrimination or infringement of human rights will be informed of their right to seek assistance from the Equality and Human Rights Commission.

DRAFT

Appendix 1 – Determining an applicants’ ability to afford an allocation of social rented housing

1. General principles

- 1.1 An applicant for an allocation of social rented housing will be disqualified from joining if they have outstanding rent arrears or other property related liabilities above a specified cap.
- 1.2 Property related liabilities shall be limited to outstanding rent arrears, service charge arrears and recharges for property related damage. Any liabilities that are statute barred, were not accrued by the applicant, or were accrued as result of financial abuse should be wholly disregarded.
- 1.3 The following criterion will be used when determining whether to disqualify an applicant with outstanding property related liabilities:
 - An applicant’s liabilities exceed more than 1/12th the annual repayment amount, and
 - they have failed to make three consecutive payments
- 1.4 Notwithstanding the above, any allocation of social rented housing is contingent on an applicant being able to pay any charges levied for occupying a dwelling.
- 1.5 Any amount a prospective tenant is charged for occupying a dwelling, must demonstrated to be affordable for them.
- 1.6 What a prospective tenant can afford to pay will vary according to the type of dwelling and their personal circumstances.
- 1.7 Following a property being allocated, the Local Authority will wish to consider affordability as part of their processes for allocating a property.
- 1.8 When determining affordability, a Local Authority shall consider whether an applicant can afford the housing costs of the property they have been allocated, without being deprived of basic essentials.

- 1.9 All income should be taken account of when determining an applicants' reasonable living expenses, other than rent, having regard to any children who might reside with them (local authorities have a duty to promote and safeguard the welfare of children under Children Act 1989, which is relevant in the matter of determining affordability).
- 1.10 If an applicant is unable able to pay any or all of the housing costs, the Local Authority registered provider might arrange for another source of funding (e.g. Discretionary Housing Payment). In cases involving a child, this might be from the Local Authority's children services under Children Act 1989 under section 17. After housing costs, a tenant should be left with insufficient income to pay all other reasonable costs.
- 1.11 An applicant shall have the right to request a review of an affordability assessment, this should extend to the right to a review of any charges levied for occupying a dwelling. Should an applicant remain dissatisfied, they shall be informed of their right to make a complaint to the relevant ombudsman and/or pursue judicial review.

2 Formula for determining whether charges for a dwelling is affordable

- 2.1 Evidence for a prospective tenant:
- a Total income from all sources, including earnings, fees, other payments, savings, welfare benefits they are in receipt of or would be entitled to claim
 - b Total debts, including priority and non-priority debts
- 2.2 Ignore any:
- a tenancy related debts that are statute barred
 - b not accrued by the tenant
 - c accrued as a result of financial abuse
- 2.3 Once the above factors have been ignored, take note the total amount of outstanding income.

- 2.4 To determine whether a prospective tenant can afford the housing costs of the property that has been allocated to them:
- a. Take note of their total income (see above 2.1a)
 - b. Deduct from the total income received, housing costs (including rental charge and any service charge);
 - c. Deduct from the total income received, other reasonable living expenses, equal to Universal Credit standard allowances, for items such as,
 - i. food,
 - ii. clothing,
 - iii. heating,
 - iv. transport,
 - v. other essentials, specific to the circumstances of the prospective tenant (and any other person that lives with them, or might be reasonably expected to live with them);
 - d. Deduct from the total income received, relevant expenditure to nurture and keep safe any child that lives in the household;
 - e. Deduct from the total income received any priority debts, such as,
 - i. court fines,
 - ii. council tax,
 - iii. TV licence,
 - iv. Child maintenance,
 - v. gas and electricity bills,
 - vi. Income Tax, National Insurance and VAT,
 - vii. Mortgage and any loans secured against a home owned by the Applicant (and any other person that lives with them, or might be reasonably expected to live with them),
 - viii. Hire purchase agreements if what has been purchased is essential.
- 2.5 From the remaining amount of income, a calculation can be made as to whether the prospective tenant can afford the housing costs of the property that has been allocated to them.
- 2.6 Where two or more people will hold a tenancy jointly, income and debts from all tenants should be taken account of.

Appendix 2 - Summary of Banding System

SUMMARY OF BANDING
BAND A *
Applicants owed a Main Duty under the Housing Act 1996, Part 7 who are not intentionally homeless and have a priority need for accommodation, owed the section 193 duty.
Applicants leaving care of the Local Authority's children services
BAND A
Applicants who are or who have:
Victims of domestic abuse who have been identified as high-risk victims of domestic abuse at a local Multi Agency Risk Assessment Conference.
Experiencing a sudden loss of their existing home as a result of a disaster, such as those who are required to leave their home due to fire safety concerns identified by Cheshire Fire & Rescue Service.
Severely overcrowded due to lacking three or more bedrooms.
Under-occupying by two bedrooms or more
A Medical condition that is expected to be terminal and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation.
A Medical condition that is life threatening and re-housing is required due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation.
Due to have an imminent planned discharge from hospital and there is no accommodation available to them which is reasonable for them to occupy.
A former care leaver of the Local Authority who is in urgent housing need and is under 25 years
Approved by the Local Authority as foster carers or to adopt, who need to move to a larger home in order to look after a child under the care of the Local Authority's children services.
Members of the Armed and Reserve Forces, such as former or serving who need to move because of a serious injury, medical condition or disability (encompassing a mental ill health condition) which is wholly or partially attributable to their service.

Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability which is wholly or partially attributable to their service.
Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.
Victims of racial harassment amounting to violence or threats of violence.
Victims of hate crime.
Witnesses of crime, or crime victims, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current home.
Require rehousing due to a Compulsory Purchase Order and/or subject to a local authority approved regeneration policy.
BAND B*
Applicants who are threatened with homelessness, owed the (prevention) section 195 duty.
BAND B
Applicants who are / who have:
Homeless, as defined by Housing Act 1996, Part 7, section 175, and have made an application for homelessness assistance.
Owed a duty under Housing Act 1996, Part 7, specifically, those who are Intentionally homeless and have a priority need for accommodation, owed the section 190 duty.
Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
Overcrowded due to lacking two or more bedrooms.
Under occupied by one bedroom.
Needing to move on medical or welfare grounds (including grounds relating to a disability), due to detrimental effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation.
Needing to move to a particular locality in the district of the authority, where failure to meet this need would cause hardship (to themselves or others).
BAND C*
Applicants who are overcrowded due to lacking one bedroom.
BAND C
All other applicants who have not been afforded an additional preference or are not entitled to a reasonable preference.
BAND D

Applicants from Band A or B, who have exhausted their right to refuse an allocation of social rented housing or have failed to bid on more than three occasions where a suitable property would be available.

Applicants will remain in Band D for a period of 12 months from date of final refusal.