

Trafford Council

Housing Allocation Policy

2018



Trafford Council is required by law to provide information about the Allocations Policy and ensure that a free summary of the Housing Allocation Policy is available to any member of the public.

The full version of the Policy and summary are available at both Trafford Council Town Hall Office (Trafford Town Hall, Talbot Road, Stretford. M32 0TH) and the HOST Office (Sale Waterside, Sale. M33 7ZF)

It is also available to download on Trafford Council's website <http://www.trafford.gov.uk/residents/housing/housing-advice/Housing-allocations-scheme-summary.aspx> .

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Introduction

This is a revision to the Allocations Policy 2013 for Trafford Council. This revised Allocation Policy explains the rules, criteria and procedure that determine how the Council will nominate households to all Registered Provider properties in the borough.

Housing Options Service Trafford (HOST) provides homelessness and housing advice on behalf of the Council are contracted to administer this Allocations Policy.

Trafford Council retains full responsibility for the Policy including any amendments.

The Policy is based on the Reasonable Preference Categories which are set by law. Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). A full description of each of these categories and how they are applied is in Part 3 of the Policy.

The table below summarises the Banding system used by HOST to allocate properties under this Policy (see Part 3 for full details of each band).

Trafford Priority Bands
Band 1: Urgent housing need and owed Reasonable Preference.
Band 2: Need to move and owed Reasonable Preference.
Band 3: Applicants who do not meet the criteria for Band 1 and 2 but fall into the Reasonable Preference Category.
Band 4: Applicants not assessed as being owed Reasonable Preference but who meet the Trafford Positive Community Criteria (working/volunteering in the borough or have a local connection).
Band 5: Applicants owed Reasonable Preference but who have been awarded reduced preference; applicants with no recognisable housing need and those with no priority.

Aims of the Allocations Policy

Trafford Council no longer owns any social housing stock in the borough, but will ensure that this stock, owned by Registered Providers, is allocated to those households with the greatest need for long term, settled accommodation as defined by this Policy.

The aims of the Allocations Policy are:

- To make best use of the limited affordable housing provision in the borough.
- To ensure that Applicants in need are given the opportunity to access affordable housing.
- To meet the legal requirements set by housing legislation.
- To create sustainable communities where people want to live and feel safe.
- To provide choice to Applicants balanced against the shortage of social housing.
- To ensure that no group or individual is discriminated against as a result of this Policy and to promote equal opportunities.

Legal Requirements

Trafford Council's Allocations Policy sits within the legal framework of Part VI of the Housing Act 1996 (as amended). This section describes the legal framework.

The 1996 Housing Act, as amended by the 2002 Homelessness Act, the 2011 Localism Act (the Act) and The Homelessness Reduction Act 2017, requires local authorities to make all allocations and nominations in accordance with a published Allocations Policy. The law covers all nominations made by the Council by which a person becomes an assured or an assured shorthold tenant of housing accommodation held by a Registered Provider.

The Act requires local authorities to give 'Reasonable Preference' in their Allocation Policy to people with high levels of assessed housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

The Act also requires local authorities to state within the Policy what its position is on offering applicants a choice of housing accommodation, or the opportunity to express preference about the housing accommodation to be allocated to them.

This Policy complies with the requirements of the Act, and takes into account the Code of Guidance issued by Central Government's Communities and Local Government Department (DCLG): *Allocation of Accommodation: guidance for local housing authorities in England- June 2012*.

PART 1: The Housing Register

Who can apply to Trafford Council's Housing Register?

- Any United Kingdom Resident aged 16 years or over can apply for accommodation. However, a Registered Provider will not normally grant a tenancy to anyone under the age of 18 years old unless they are able to provide a guarantor to cover the rent costs.
- All individuals or households owed a main homelessness duty under sections 193(2) or 195(2) of the Homelessness Act 2002, as amended by The Homelessness Reduction Act 2017, will automatically be registered on the Housing Register with a date of registration from when they presented as homeless to Trafford Council.
- Married, civil partners and co-habiting couples, same sex couples and brothers and sisters, friends who wish to live together; can make joint applications. In such cases, it is usual for a joint tenancy to be granted in the event of an offer of accommodation being made.

Applicants who are not eligible to join the Housing Register:

Section 160A of the Housing Act 1996 states, that a local housing authority shall only allocate accommodation to persons who are eligible to join the Council's Housing Register. The following are not eligible persons to join the Housing Register:

- Persons from abroad who are subject to immigration control, who are not included by Regulations; people who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996. (Note this requirement does not apply to tenants of a Registered Provider who hold an existing Secure, Assured or Starter tenancy).
- People who are not deemed to be habitually resident in the Common Travel Area (CTA). CTA is an open borders area comprising the United Kingdom of Great Britain and Northern Ireland, Ireland, the Isle of Man, and the Channel Islands. The British Overseas Territories are not included.
- Any other person as prescribed by the Secretary of State.

If the Council decides that an applicant is ineligible, HOST will notify the applicant of the decision and the grounds. The notice will be provided in writing. A copy of the decision will be available at the HOST Office for a reasonable period of time as well as posted directly to the applicant or emailed if required.

Applicants eligible to join the housing register but who may be suspended.

Where an applicant or a member of the household is considered to be guilty of unacceptable behaviour they may be eligible to register on the housing waiting list, however the application would be suspended but kept under review. When applicants can demonstrate a changed pattern of behaviour, suspension(s) maybe lifted. It is for HOST to determine whether the changed behaviour claimed makes the applicant eligible under this Policy.

Unacceptable behaviour is defined as behaviour which would, if an applicant or member of their household was a secure or assured tenant, entitle a landlord to possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985. Unacceptable behaviour includes:

- Owing serious rent arrears.
- Failing to comply with a current or past tenancy agreement with a Council, Registered Provider or private landlord.
- Conviction for illegal or immoral purpose.
- Anti-Social Behaviour - causing nuisance and annoyance to neighbours or visitors.
- Committing certain criminal offences in or near the home and still posing a threat to neighbours or the community.
- Being violent towards a partner or members of the family.
- Allowing the condition of the property to deteriorate.
- Allowing any furniture provided by the landlord to deteriorate due to ill treatment.
- Obtaining a tenancy by deception, for example, by giving untrue information.
- Paying money to illegally obtain a tenancy.
- Having lost accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.

PART 2: Registration & Assessment

An online application form with guidance notes will be made available to every applicant who makes a request to join the Housing Register.

Applicants are encouraged to complete the form themselves. However, if assistance is needed HOST staff will be able to go through the details of the form with the applicant to ensure that the required information is collected. HOST staff will also give support in completing the application form over the telephone if requested.

Once an application for accommodation has been submitted to HOST they will:

- Electronically confirm receipt of the application form.
- Immediately assess the application and allocate a Band accordingly. If the applicant is homeless a decision regarding the Band will be made once a decision relating to the duty owed has been made (i.e. Prevention, Relief or Main Duty). Where there is a requirement to visit an applicant or make further enquiries to confirm an applicant's circumstances, the Band awarded will be provisional pending the visit or confirmation of circumstances.
- If there is a need to visit an applicant or an interview is arranged to clarify details contained on the form, arrangements will be made within 10 working days of receipt of the application.
- Any final Band award will be confirmed within 28 working days once the application has been completed, following any interview, visit, or completion of any further enquiries.

Each time an application is updated online, the system will determine whether the applicant's circumstances have changed and will update the application and/or Band accordingly. An application may be suspended pending receipt of evidence from the applicant.

HOST also requests that the applicant states those areas where they believe they cannot live, due to a fear of violence, harassment or domestic abuse. This is to assist HOST in making more informed decisions where direct lets may need to be made. The final decision will rest with HOST.

Change of Circumstances

Applicants should notify HOST of any change in their circumstances which may affect their priority for housing, by updating their online application or contacting the staff at HOST via telephone or face to face.

Examples of a change in circumstances are:

- A change of address, for themselves or any other person on their application.
- Any additions to the family or any other person they would wish to join the application (N.B. it is for HOST to decide whether they will allow a person/s to join the application).
- Any member of the family or any other person on the application who has left the current accommodation.
- Any change in income or savings.

Applicants who have failed to notify HOST of a change of circumstances may have their application suspended whilst an investigation takes place.

Disclosures (Conflict of interest - Members and Staff)

In order to ensure that HOST treats all applicants fairly, any application for housing from the following applicants must be disclosed on the application form:

- Members/Councillors/MPs of Trafford Council or their immediate families.
- Employees, or their immediate families, of Trafford Council or HOST or any Registered Providers operating in the Trafford area.

These applications will be assessed in line with the Policy. However, the registration, eligibility, assessment of housing need and any nomination to accommodation will require special approval by a Senior Manager of HOST on behalf of Trafford Council.

False or withheld information

Under Section 171 of the Housing Act 1996, it is a criminal offence for an applicant to knowingly give false information or to withhold information relevant to their application at any point. The circumstances in which an offence is committed could include:

- any false information given on an application form for social housing.
- any false information given during an interview.
- any false information given in response to subsequent review letters or other updating mechanisms.
- any false information given or submitted by applicants during the proceedings of a review.
- if the applicant allows a third party to provide false information on his or her behalf, or at his or her instigation. This would apply whether the false information was provided at the time of application or at renewal stage when the annual review of circumstances letter has been sent.

A person found guilty of any offence under this section is liable to a fine not exceeding level 5 on the standard scale (which is currently £5,000) via the magistrate's court.

Schedule 2 of the 1985 Housing Act (as amended by the 1996 Act s.146) enables a landlord to seek possession of a tenancy where a tenancy was granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

Where there is suspicion, or an allegation that a person has either provided false information, or has withheld information; the application will be suspended pending the outcome of the investigation.

Deliberately altering circumstances

Applicants must not deliberately worsen their circumstances to try to gain greater priority under the Policy. Where HOST believe this to be the case an applicant may be given reduced preference or suspended under the Allocations Policy.

Assessing Housing Need

In order to determine an applicant's place on the Housing Register, HOST uses a banding system in line with Government guidance as detailed in Part 3 of this Policy. The Bands are awarded to reflect housing need and reasonable preference. Applications for an allocation of social housing will be placed in one of five Bands.

Once an application has been fully completed, the application will be acknowledged immediately. The applicant will receive a letter or email detailing whether they are eligible, the Band they have been placed into according to their housing needs, the type of property for which they may bid for and documents required to lift the necessary suspensions.

An applicant will be able to see their entry on the Housing Register online. HOST will, on request from the applicant, provide information that is practicable and reasonable to supply, to explain their position and priority on the Housing Register.

In assessing housing need, HOST will give reasonable preference to those applicants who fall into one or more of the following categories (in line with the Homelessness Act 2002 as amended by the Homelessness Reduction Act 2017):

- Homeless people owed a full duty under part VII of the Housing Act 1996.
- Homeless individuals (not owed a full duty under the above Act).
- Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- Applicants who need to move on medical or welfare grounds or grounds of disability.
- Those who need to move to a particular locality in the borough where failure to meet that need would cause hardship (to themselves or others).

Reasonable Preference

The Allocations Policy has been devised to ensure that it meets its legal obligations in respect of Reasonable Preference. HOST will allocate the housing which reflects this duty and ensures that offers of accommodation are made to those with the greatest need. The detail of who qualifies for reasonable preference under the Policy is set out at Part 3.

PART 3: The Banding Scheme

The Housing Act 1996 (as amended) states when determining priorities under the Allocation Policy, the Council must give reasonable preference to certain categories of people. This currently includes those:

- who are homeless.
- who the local authority has a duty to accommodate.
- occupying insanitary, overcrowded or unsatisfactory housing conditions.
- who need to move on medical or welfare grounds.
- who need to move to a particular locality to reduce hardship.

To ensure that the Council fulfils its statutory duties, this Policy is structured to ensure that households in certain specific types of housing need have a degree of priority over others. This is achieved by operating a Banding system based on the level of urgency of their respective housing need.

Within the Band, priority is determined by the date in which the application was placed and awarded a Band, with the person who has been waiting the longest having the highest priority.

If circumstances change which results in an applicant moving to a higher or lower priority Band, the Band date applies from the date the application is given the new priority, not the original date of the application.

A household will be placed in the highest Band that any member of that household qualifies for. There is no additional recognition of multiple needs within a household.

The Banding system is outlined on page 14 to 21. Priority is awarded in recognition of an applicant's current housing circumstances and is intended to provide a reasonable preference.

In addition, the Allocation Policy must give 'additional preference' to: former or current members of the regular Armed Forces who fall within any of the statutory reasonable preference categories and are considered to be in urgent housing need (The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012)

Other groups that HOST will award reasonable preference to are:

- Foster carers and adopters.
- Care leavers.
- Working households.

Armed Forces

Housing regulations state that the Council must not disqualify members of the Armed Forces on residency grounds (for former members of the Armed Forces, local connection rules will not apply). This extends to applications from former service personnel, where the application is made within five years of discharge.

To be considered British Armed Forces personnel you must have served in one of the following services:

- Regular service personnel (including Military Provost Guards Service in the Army, Navy, Air Force).
- Clinical staff (excluding doctors and dentists).
- MoD Police Officers.
- Uniformed staff in the Defence Fire Service.
- Ex regular services personnel (who have served in the Armed Forces for a minimum of 4 years and can produce a Discharge certificate, or similar document).
- Full Time Reserve Service (Full Commitment).

Bereaved spouses and civil partners of members of the Armed Forces leaving Military accommodation following the death of their spouse or partner, and to serving or former members of the Armed or Reserve Forces who need to move due to a serious injury, medical condition, or disability sustained as a result of service (death or injury, which is attributable (wholly or partly) to the person's service are also included.

These provisions recognise the special position of members of the Armed Forces (and their families) whose employment requires them to be mobile, and who are likely therefore to be particularly disadvantaged by residency (local connection) requirements, as well as reservists injured and who need to move to another local authority area to receive treatment, care or support.

Where applicants fall into any of the above categories, they will complete the online housing application form. Their application will be assessed based on their current housing need and a Band will awarded. However, in order to award members of the Armed Forces (including spouses etc.) additional preference, applicants will be awarded a Band higher than they would be awarded based on their housing need, e.g. where an applicant has been awarded Band 4 they will be awarded Band 3 as their final Band.

For applicants who have been dishonourably discharged, no additional priority will be awarded, but cases will be reviewed subject to individual circumstances.

Banding Scheme Summary

BAND 1: Urgent Need Band and owed Reasonable Preference

The following applicants will be awarded Band 1:

1. Statutory homeless applicants who have been assessed and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002 and Homelessness Reduction Act 2017.
2. Emergency medical, disability or welfare.
3. Exceptional circumstances or need to move.
4. Release adapted property.
5. Statutory overcrowded.
6. Move on from approved supported accommodation.
7. Care Leavers.
8. Foster Carers and Adopters.
9. Insanitary or unfit property.
10. Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces (see section above).

Criteria for each category

1. Statutory Homeless Applicants

Statutory homeless applicants who have been assessed and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002 and Homelessness Reduction Act 2017, fall into this Band.

Applicants will receive Band 1 to reflect their reasonable preference if they are homeless, in priority need and owed any duty under sections 193(2), 195(2) or 190(2) of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017. However, if applicants are found to be intentionally homeless they will be allocated Band 3.

People who would fall into the statutory homeless category include:

- A person who is in priority need and unintentionally homeless and the Council has accepted that it owes an applicant a full duty under section 195(2).
- A person who has been accepted as being owed the full homeless duty under section 193(2).

Applicants who are owed a full homeless duty by any other Council will receive a reduced preference for not having a local connection to Trafford unless subject to a social services referral or are fleeing violence.

2. Emergency medical, disability or welfare

Applicants with a medical need will be asked to complete a medical form. Completed forms will be assessed by the Special Needs Assessment Panel appointed by HOST. Where appropriate, any additional information will be requested by the Panel, from the GP, hospital, or consultant.

The assessment is not based on the seriousness of an applicant's condition, but is solely based on the impact of their current housing (or in exceptional circumstances the location of their accommodation), on that condition and whether this would improve significantly through a move to alternative housing.

Applicants will only be offered additional priority if their medical condition or that of a member of their household, is significantly affected by remaining in the accommodation that they occupy, and there is as a result, a need to move elsewhere. This will normally relate to the physical conditions of the property but can occasionally be caused by the location of the property. Based on recommendations from the Panel, HOST will assess whether the applicant's needs, or that of a member of their household, would be better served by providing aids and adaptations to their current accommodation thereby allowing them to remain.

Only in exceptional cases will the location have a detrimental effect on health or welfare rather than the physical condition or nature of the accommodation occupied. Such exceptional cases will be considered by the Exceptional Circumstances Panel.

Following the Panel's assessment, either, Band 1, Band 2 or no priority will be awarded.

Applicants who need to move on welfare grounds due to infirmity caused by old age will have their welfare needs recognised and reasonable preference awarded.

An assessment of an applicant's need to move due to infirmity caused by old age will be made by HOST Special Needs Assessment Panel taking into account information provided by one or more of the following:

- The applicant's GP or consultant.
- Social Services.
- Occupational Therapist.
- Age Concern or any other voluntary sector organisation representing the applicant.

3. Exceptional Circumstances or Need to Move

All exceptional circumstances will be assessed and a review of the Band will be undertaken by the Exceptional Circumstances Panel. Band 1 for exceptional circumstances or need to move will be applicable for up to 12 months only, with one direct offer of accommodation.

This category applies to those who need to move to a particular area in the borough, where failure to meet that need would cause hardship to themselves or others. The Government's

Code of Guidance suggests that people may fall into this category if they need to move in order to give or receive care, to be able to access specialist medical treatment, or to take up particular education, employment, or training opportunities in a particular locality.

With the exception of elderly infirm applicants and those leaving care or who are ready to move on from approved supported housing schemes that need a stable base to build a secure life, the award of reasonable preference on welfare grounds will be made by the Exceptional Circumstances Panel. A list of the circumstances considered by the Panel is detailed within Appendix 7.

4. Release Adapted Property

Priority will be awarded on a case by case basis to tenants of Registered Providers who occupy a specially adapted property and where the move will free up this accommodation for a high need disabled household.

5. Statutory Overcrowded

Those applicants who are statutory overcrowded as defined by the Housing Act 2004. If an applicant voluntarily agrees to house additional members of their extended family or friends they will not meet the criteria.

6. Private sector properties: Insanitary or Unfit

Band 1 will be awarded when:

- An applicant living in a private sector property, either owned or rented, has been issued with a statutory notice by the Environmental Health Team that the property is unfit and to be demolished under the Housing Act 2004.
- Those applicants living in a property that is a category 1 hazard and as a result uninhabitable due to: severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period. In exceptional cases where the problem can be rectified within 6 months but the impact on the applicant of remaining would be considerable the Exceptional Circumstances Panel will decide if reasonable preference will be granted.

The assessment of all cases under the above criteria will be carried out by HOST taking advice from the Council's Environmental Health Team (or any other Council if the property is outside of the Trafford area).

7. Move on from approved supported housing projects

Applicants will be awarded this category for certain listed projects (agreed by Trafford Council's Social Services and HOST) in accordance with protocols agreed between Trafford Council and the voluntary sector body.

The criteria for an award of reasonable preference will be:

- The applicant is ready to move to independent settled housing.

- The applicant is in need of short term on-going support (e.g. tenancy related support, drug and alcohol, mental health or any other relevant support required by the applicant to sustain a tenancy)

Note: Short term support is defined as up to 6 months, however applicants who have on-going support needs for more than 6 months e.g. mental health, will still be awarded Band 1.

The Council wants to ensure that care leavers and other vulnerable people with support needs are helped to access secure, suitable and affordable long term housing. It is important that applicants are only nominated to move on accommodation when they are assessed as ready to move on.

8. Care Leavers (including move on by young people aged 16-21 years)

Applicants are awarded this category in accordance with protocols between Trafford Council's Children, Families & Wellbeing (CFW) Service and HOST. Applicants must be a former 'Relevant Child' as defined by the Children Leaving Care Act 2002.

Applicants must have vulnerability and an urgent housing need that is best met by the provision of long term settled housing. All other cases will not be owed reasonable preference under this category and will be expected to be assisted by the CFW with support from HOST to move on to private rented sector or other suitable accommodation.

The criteria for an award of reasonable preference will be:

- A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.
- They possess the life skills to manage a tenancy including managing a rent account.
- The care leaver is in need of either a long term or medium term tenancy support.
- That support package has been assessed and is in place.
- Their needs mean accommodation in the private rented sector would have a detrimental effect on their transition to independent living.

9. Foster Carers and Adopters

When considering housing applications from prospective foster carers or adopters who would require an extra bedroom to accommodate a foster or adoptive child, HOST will access the risk that the application to foster or adopt may be unsuccessful (leading to the property being under-occupied), against the wider benefits to Trafford if the placement was successful.

Foster children are not taken into account when determining the size of the household for the purpose of the under-occupation measure in the Welfare Reform Act. However, any current and future foster carers affected by the measure may be eligible to apply for a Discretionary Housing Payment (DHP).

Applicants who have applied to become foster carers or adopters will be awarded additional priority once they have been approved.

Applicants who have already been approved and are looking to foster or adopt more children will be put in to Band 1 following evidence.

BAND 2: Need to move and owed Reasonable Preference

The following applicants will be awarded Band 2:

1. Applicants who are owed the Relief Duty.
2. Applicants who are owed the Prevention Duty (after 28 days of active contribution to the Personal Housing Plans).
3. Applicants overcrowded by the Bedroom Standard.
4. Applicants under occupying by 2 bedrooms or more.
5. Medical grounds.
6. Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces (see section above).

Criteria for each category

1. Applicants who are owed the Relief Duty

Applicants who are owed the Relief Duty and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002, and The Homelessness Reduction Act 2017. Should the Relief Duty end and the applicant not be owed a Main Homelessness Duty they will be placed into Band 3 unless there are reasons for reduced preference and then will be placed into Band 5.

2. Applicants who are owed the Prevention Duty (after 28 days with active contributions to the Personal Housing Plans)

Applicants who are owed the Prevention Duty, and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002, and the Homelessness Reduction Act 2017.

Applicants will need to have been within the Prevention Duty for 28 days and will need to be actively complying with the Personal Housing Plans before being awarded Band 2.

3. Applicants overcrowded by the Bedroom Standard

Those overcrowded by two bedrooms or more but are not statutory overcrowded will be placed into Band 2.

For applicants where their housing conditions or level of overcrowding means that it is not reasonable for them to continue to occupy their overcrowded accommodation; and as a result they are owed a statutory homeless duty under section 193(2) of the Housing Act 1996, applicants will be awarded Band 1 for homelessness.

4. Applicants under occupying by 2 bedrooms or more

Applicants who are under-occupying family accommodation by two or more bedrooms will be awarded Band 2. Applicants who fall in to this category will be awarded Band 2 whether they are in receipt of Universal Credit or not.

5. Medical Grounds

Where an applicant's housing is unsuitable due to severe medical reasons or their disability, but who are not housebound or whose life is not at risk due to their current housing. If this is the case they will be awarded reasonable preference and placed into Band 2. This will normally be assessed by HOST's Special Needs Assessment Panel.

BAND 3: Applicants who do not meet the criteria for Band 1 and 2 but are owed Reasonable Preference

The following applicants will be awarded Band 3:

1. Applicants who are entitled to Reasonable Preference as being non priority homeless, intentionally homeless, or homeless within the meaning of Part 7 of the Housing Act 1996.
2. Applicants who are owed the Homeless Prevention Duty.
3. Applicants aged over 55.
4. Applicants under occupying by one bedroom.
5. Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces (see section above).

Criteria for each category

1. Applicants who are entitled to Reasonable Preference within the meaning of Part 7 of the Housing Act 1996

This group comprises all households who are homeless under the definition of homelessness contained in sections 175 -177 of the Housing Act 1996 Part 7 whether or not they were assessed as a result of a formal homelessness application. It does not include those applicants that have made a formal homeless application which has determined that they are owed a full homelessness duty under section 193 or 195 of the Housing Act 1996.

This definition includes a person who does not have accommodation which is legally and physically available or has accommodation that is not reasonable to continue to occupy. Under this provision there is no requirement that an applicant should be in priority need for accommodation, or that they have made a statutory homelessness application to the local authority under Part 7 of the Housing Act 1996. Were HOST has assessed that the applicant is homeless under this definition they will be awarded the Band 3 priority.

Applicants, who have been assessed as being in priority need but are intentionally homeless and have been provided with temporary accommodation for a period of time to enable them to secure their own accommodation, will be awarded Band 3 priority in line with their assessed need. HOST will provide applicants with advice and assistance to find alternative accommodation.

2. Applicants owed the Homeless Prevention Duty

Applicants who are owed the Prevention Duty and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.

3. Applicants aged 55 years and over

All applicants who are over the age of 55 years seeking age related properties for over 55 will automatically be awarded Band 3, local connection rules and financial resources will not be taken in to account.

Applicants who are over the age of 55 and are not seeking sheltered housing and would like general needs accommodation or are moving with their family would not be awarded Band 3. Applicants awarded Band 3 for age related preference will not be allowed to bid on general needs properties.

4. Applicants under occupying by one bedroom

Applicants who are under-occupying in Trafford by one bedroom will be awarded Band 3. The move will free up this accommodation for a severely overcrowded households.

Applicants who fall in this category will be awarded Band 3 whether they are in receipt of Housing Benefit or not.

BAND 4: Applicants not assessed as being owed Reasonable Preference but who meet the Trafford Positive Community Criteria (working/volunteering in the borough or have a local connection)

Applicants who have been assessed as not being owed Reasonable Preference but who meet the Trafford Positive Community Criteria.

Applicants who are former or current members of the Armed Forces, bereaved spouses and civil partners of members of the Armed Forces, may also be awarded Band 4 (see section above).

The Trafford Positive Community Criteria includes:

- Applicants who are employed or undertaking training.
- Applicants that can demonstrate a contribution to the local community such as voluntary work, this could be specific to the area where a local letting Policy is deployed or could be voluntary work regardless of which community benefits.
- Applicants with a strong family connection to certain areas.
- Applicants who are key workers as defined by Trafford Council, this could be in the health services, social care or transport.
- Applicants in the private rented sector who have a positive tenancy history assessed through references including perfect rent record, maintaining a property in good condition, and no complaints of anti-social behaviour.

Where an applicant has a local connection to Trafford through work they will be awarded Band 4.

Applicants will need to provide evidence for which Positive Community Criteria applies at the initial application stage and also to the Registered Provider when they are offered a property.

The Council will not award additional preference for households in work or seeking work, as applicants who meet the Positive Community Criteria will be awarded Band 4. However, in order to provide accommodation for applicant's who are working or otherwise making a positive contribution to their community, the Council, through the Nominations Agreement, will allocate 20% percentage of properties advertised to Band 4 applicants who meet the Trafford Positive Community Criteria.

Registered Providers will advertise the nominated properties stating 'require working households only'.

(Note: Sheltered accommodation properties will be excluded from this.)

BAND 5: Applicants owed Reasonable Preference but who have been awarded reduced preference, no recognisable housing need and no priority

This Band includes applicants who are owed a Reasonable Preference but who have been awarded reduced preference or have been down banded under the Policy (for rent arrears, behaviour, no local connection, savings, equity or earning etc.).

Also applicants who have no recognisable housing need, and do not meet the Trafford Positive Community Criteria (including out of borough applicants) will also be awarded Band 5.

Additional Preference

Under section 167 (2) of the Housing Act 1996, the Council may give additional preference to applicants in urgent housing need who are considered to be owed a Reasonable Preference. HOST will give additional preference to applicants who demonstrate an urgent housing need. The criteria are detailed in the Bands above.

The Government has issued new guidance on social housing allocations, reflecting the significant amendments which the Localism Act 2011 makes to Part 6 of the Housing Act 1996. This replaces all existing statutory allocation guidance, and gives local authorities new flexibilities surrounding who allocations are made to and groups which should be given additional preferences (see Appendix 5).

In developing this Policy, due regard has been given to the requirement to give Reasonable Preference to those categories defined in the Act. The Reasonable Preference categories are listed in Appendix 7.

Those applicants that are eligible for consideration under this Policy will be assessed to determine if they are owed a Reasonable Preference. If they are, they will be allocated a Band according to this Policy. Beyond giving additional preference for urgent housing needs HOST is able to give reduced preference for applicants who fall into one or more of the Reasonable Preference categories but where certain factors apply to their case.

Therefore were an applicant would have been awarded a specific Band due to their Reasonable Preference but one or more of the factors listed below apply to their case, their application will be given a reduced/down banded priority (allocated Band 5) until the issue relevant to their circumstances has been resolved.

Reduced/Down Banded or No Priority

Reduced or no priority will be awarded to applicants where:

- There are current or former rent arrears owed to a social or private sector landlord, and Trafford Council is not satisfied by the actions being taken by the applicant to resolve the arrears.
- Cases of current or former unacceptable, or anti-social, behaviour where Trafford Council is not satisfied this behaviour has been fully addressed.
- Applicants with access to a certain level of financial resources.
- Applicants without a local connection to the borough.
- An applicant who has refused any offer of accommodation that they have bid for or been offered under a direct offer.

The following are the circumstances when reduced preference will be given:

1. The applicant has a social housing tenancy related debt

This would include current or former rent arrears (including temporary accommodation arrears), rechargeable repair costs due to damage to a former social housing property or legal costs arising from court action in connection with a current or former tenancy.

Tenancy related debt will be assessed at the point when the applicant's priority is being calculated, unless new information comes to the Council's attention after their initial assessment.

In order to assess whether the applicant has a tenancy related debt the following procedure will apply:

- HOST will consider whether the applicant still owes arrears, and if they do, the extent of the arrears and whether there are exceptional circumstances which should lead to their being offered accommodation despite those arrears. If the claimant has taken debt advice, acted on it, and entered into and began to implement any arrangement to clear the arrears their application will not be down banded.

- Depending on the circumstances of the case HOST will require the debt to be paid in full or the applicant to have made a repayment agreement with the creditor landlord and adhered to it for at least 6 consecutive months.
- Where an arrangement has been made, the final decision to reinstate an applicant's banding will depend on the amount of arrears paid off, any debt outstanding, and the regularity of any payments made.

2. Rent Arrears owed to a private landlord

If an applicant has been evicted from an Assured Shorthold Tenancy on rent arrears grounds by a private landlord, HOST will consider whether the applicant can demonstrate an ability to pay the rent in deciding whether to give reduced preference or, where this has been given, before deciding to reinstate an applicant's full preference.

3. Non-compliance with any current or previous tenancy agreement

Non-compliance is where an applicant (or a member of their current or prospective household) has failed to maintain any current or previous social rented or private sector rented property within the terms of their tenancy agreement.

This also includes where the applicant (or member of their household) has committed acts causing or likely to cause nuisance or annoyance to their neighbours or others in the locality of where they live or where they previously have lived.

In such cases of non-compliance with a tenancy agreement and where an applicant is owed reasonable preference, their application will be down banded to Band 5. This down band will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of HOST, the necessary ability to modify their conduct which could include co-operating with support agencies. In most cases the down banded status will be reconsidered where there has been no cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of one year.

At any time an applicant is entitled to request that HOST reconsiders these circumstances to determine whether the issues resulting in them being allocated a lower priority have been resolved to their satisfaction.

4. Financial Resources (including owner occupiers or applicants with savings or earning over an income threshold set by the Council).

S.167 (2A) of the Housing Act 1996 states that a local authority is entitled to take into account the financial resources available to the applicant when assessing the ability of the applicant to meet their own housing need.

HOST will take into account an applicant's financial resources in determining cases where an applicant would qualify for Reasonable Preference and whether that preference should be reduced, this will not apply to applicants who require sheltered housing.

Regard will be given to any resources, wherever they are located, taking into account:

- Households earning an income of £60,000.
- Households having capital assets or equity of 40%.
- Households having savings of £16,000.

These figures are to be reviewed annually. Applicants will be placed in Band 5 which will mean that they are unlikely to receive sufficient priority for a nomination until all applicants with higher priority have been housed.

Where applicants who are former or current members of the Armed Forces (including their family members) fall in to this category additional preference will be given and they will be awarded Band 4.

Lump sum payments to members of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded.

This restriction does not prevent applicants being considered for any Low Cost Home Ownership/Shared Equity schemes. The rules for acceptance under these schemes are different and are applied on a scheme by scheme basis. HOST will give advice on any of these options where appropriate.

Owner occupiers who are adequately housed or with the resources to secure accommodation locally would normally not attract sufficient priority under this Policy and would be placed into Band 5 (no recognisable housing need).

5. Local Connection

Applicants are able to apply for social housing within the Trafford borough from anywhere within the United Kingdom. However, in order to ensure that the Council meets the needs of the local community, reduced priority will be given to those people without a local connection.

Applicants will be assessed under the definition of local connection contained in Section 199 Housing Act 1996. Applicants without a local connection will have their priority reduced to Band 5 until they acquire a local connection within the borough. Once a local connection is established, an applicant will be accorded appropriate priority in the same way as a local resident.

Applicants who do not have a local connection within the Trafford borough but have been determined as being owed the full homelessness duty under section 193(2) by the Council will not be subject to any reduction in their priority as the Council is under a statutory duty to provide long term settled housing regardless of local connection.

Applicants who do not have a local connection with Trafford but require Sheltered Housing or are former or current members of the Armed Forces will be exempt from local connection rules.

The following factors will be taken into account in determining whether or not an applicant has a local connection with Trafford. These include, but are not solely limited to, whether an applicant or a member of their household included in their application:

- has lived in Trafford by choice for a certain time (six months out of the last 12).
- has close family living in Trafford, who have lived in the borough for at least the previous five years; (normally defined as parent/s or children).
- has settled employment in the Trafford area.
- has special circumstances that give rise to a local connection.

For the purposes of determining local connection, living in the Trafford area means living in permanent accommodation and will not include either:

- occupation of a mobile home, caravan or motor caravan which is not placed on a residential site.
- occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday.

6. No Permanent Address in the UK

Applicants that are not currently living permanently in the UK but are eligible for housing will be placed in Band 5.

7. Refusal of a suitable offer

The Council operates a strict one offer rule and any applicants refusing a suitable offer will have their application cancelled any such cancellation may be reviewed by the Exceptional Circumstances Panel at an applicants' request.

Schooling will be taken into consideration for those in GCSE years or where there are special educational needs.

If the application is to be reinstated it will be placed within the Band and start date immediately prior to cancellation

This rule will apply to all such cases unless, their circumstances change and HOST determines that the change in circumstances is sufficient to allow the cancellation to be lifted and the Band appropriate to the Reasonable Preference owed to be awarded.

When will reducing Reasonable Preference apply?

Reducing Reasonable Preference will apply to applicants either:

- At the point where their housing needs are assessed.
- Where applicants have been assessed but their circumstances change.
- Where new information is obtained.

After considering the above procedure HOST will reduce the applicant's priority to Band 5, if they had been assessed as being owed Reasonable Preference. This will mean that they are unlikely to successfully bid for accommodation. HOST will inform the applicant of the

reasons for the reduced preference award and the actions they must take to address this issue to the satisfaction of HOST which will then lead to their Reasonable Preference being reinstated.

HOST will review the case at the request of the applicant, and once satisfied that appropriate action has been taken by the applicant to address the behaviour which led to the suspension, e.g. rent arrears, or where there has been a change in circumstances may lift the suspension and consider the applicant for the priority Band relevant to their housing need.

Notification of down banding or cancellation of any Reasonable Preference groups (applicants who have been awarded Band 1 to Band 3)

Any applicant whose priority is reduced or application cancelled will be provided with written notification of the decision that will contain the following information:

- The reasons for the decision to remove reasonable preference.
- The decision to cancel the application.
- The Band that their housing circumstances would have been awarded and the Band that they have been placed in as a result of HOST's decision (this will normally be Band 5).
- The applicant's right to appeal against the decision.
- What they have to do before they can be considered again for any higher Band dependant on their housing needs.
- That any appeal against the decision must be made in writing within 21 days of written notification of the decision.
- That any appeal will be dealt with by a Senior Officer at Trafford Council, who was not involved in the original decision. All appeals will be dealt with within 28 days and the applicant advised of the outcome.
- That an applicant may request that their application be removed from the reduced priority Band at any time. The request for removal of the reduced priority must be made in writing to HOST and must set out how and why the applicant believes that the removal of the reduced priority is now justified by the actions the applicant has taken since the reduced priority was awarded.

HOST will consider any request for the removal of the reduced priority classification or cancellation within 28 days of receipt of the request. This consideration does not come under the criteria for a formal review. A letter will be sent to the applicant giving HOST's decision and will set out reasons for either granting or not granting the request. There is no further right of appeal, on top of the original right of appeal, to such decisions (see Section 8).

Waiting Time

When an applicant has been placed into a Band their position within their allocated Band will be determined by the time they were registered for that Band.

If an applicant is moved into a different Band due to a change in circumstances, their priority date will be considered as effective from the date that they were moved into the new Band, when moving up in priority. If moving down a Band they will retain the original registration date.

The exception to this is for applicants who have been given reduced priority. Where an applicant owed Reasonable Preference has had that preference reduced but takes action that resolves the issue to the satisfaction of HOST, so that the reduced preference is removed, they will re-enter the Band appropriate to their current circumstances. If this is the same Band they held before their preference was reduced, they will retain their original effective date for that Band.

PART 4: Allocating a Property

What is an Allocation under this Policy?

Given that Trafford Council no longer owns Council housing an allocation under this Policy is defined as:

- The nomination of a person to be an Assured Tenant of a Registered Provider (Housing Association). This includes, (where a Registered Provider chooses to operate such a scheme), the nomination to be a 'Starter Tenant' of a Registered Provider whereby the Registered Provider will provide an Assured Short Hold Tenancy for a set period. Following this period if the tenant has proved themselves to be a suitable tenant the Registered Provider will then normally grant an Assured Tenancy.
- Existing tenants of any Registered Provider in the Trafford area who wish to transfer to another Registered Provider property are able to register under this scheme, although if they are seeking a transfer to another property owned by their own landlord, that landlord may have its own transfer scheme and its own transfer rules. Advice can be given on these circumstances by HOST or the Registered Provider concerned.

Allocations Not Covered by this Policy

The following are examples of allocations not covered by this Policy:

- Conversion of a Starter Tenancy into an Assured Tenancy (that is a matter for the tenants Registered Provider).
- Nominations to a Registered Provider by Trafford Council for a property which is to be used as temporary accommodation to house homeless households owed a duty under the homelessness legislation.
- Assignments and Successions (these are matters for the tenant's Registered Provider/Housing Association).
- Mutual exchanges of Registered Provider tenancies (This is for the relevant Registered Provider to decide and administer).
- Nominations not under Part 6 for offers of assured tenancies, assured short-hold tenancies, or other tenancies or licences, from private landlords or housing charities who are not Registered Providers.

Joint Tenancies

It is for the Registered Provider to which Trafford Council makes a nomination to decide whether to allow a joint tenancy depending on the circumstances of the case.

Making bids and allocating properties

HOST will receive nomination requests on behalf of the Council from Registered Providers across the borough and will allocate to those nominations via this Policy. However, applicants need to be aware that each Registered Provider may operate their own separate policies and eligibility criteria, which they will apply. It is therefore possible that the Registered Providers may reject a nomination where the applicant fails to meet their Policy or criteria.

The Council advertises of nominated properties through a Choice Based Lettings (CBL) scheme. Vacant homes are advertised weekly and an applicant can bid for a property on the website, by text, at a Library, at the HOST office or by calling HOST. When a bid is placed the applicant will be advised of their position in the bidding list at that time.

For all advertised properties, the eligibility of bids must be checked against the criteria used in the advertisement. Any ineligible bids will be discarded.

The allocation of a property will be based on the priority of bids received, with Band 1 applicants having the highest priority and Band 5 applicants having the lowest priority. Where a property is advertised as available for letting to a specific band or group only, the letting will be made to the bidder with the earliest registration date in that group.

If more than one bid is received from applicants with the same priority, then the person who has been in the Band for the longest period of time will be offered the property. If two or more applicants have the same priority and length of time in the Band, the CBL system will decide who would be the first choice by taking into account the date of registration.

The applicant to be offered the property will be contacted by the Registered Provider and checks will be made to ensure that the housing circumstances remain as they were when the application was submitted. As long as the circumstances are the same, an offer of the property will be made and a viewing arranged. Any offer will normally last for 3 days.

If the applicant refuses the property, then the property will be offered to the applicant with the next highest priority.

Where a property is adapted for use by a disabled person, the property will be offered to the applicant with the highest priority whose needs best match the facilities of the particular property. In some circumstances, this means not offering the property to the bidder with highest priority. Where a particular property has been specially adapted HOST may make a direct offer or bid specifically on behalf of applicants whose needs can be best met by the property in question.

Where a property is deemed to be suitable by HOST and the applicant has refused it, and the applicant has been accepted as being owed a statutory homeless duty by HOST, this duty subject to a right of review will have ceased if the property is refused. In such

circumstances an applicant will no longer be entitled to any homelessness duty and will have to leave any temporary accommodation provided and make their own accommodation arrangements.

If an applicant has been assessed as needing support to sustain a tenancy and such support is not in place, has been declined or cannot be arranged before the proposed tenancy commencement date, the bid will be rejected until such support is in place. This will not count against the applicant as an unsuitable bid and the applicant will be entitled to receive another offer.

Sheltered housing

Applicants for sheltered housing must be aged 55 or over (unless stated otherwise by the Registered Providers) or have a need for sheltered accommodation due to vulnerability or disability. It is a condition of all tenancies in sheltered housing schemes that tenants agree to take any warden service if applicable. Sheltered housing properties will be specifically marked when a property is advertised.

Management Discretion – Exceptions Policy

Where possible, HOST will use the banding system and waiting time within the Band to allocate accommodation. However, HOST recognises that there may be exceptional circumstances where the only way an exceptionally urgent housing need can be resolved is through the use of management discretion.

There is discretion for the Senior Officer for HOST with the agreement of the Senior Officer for Trafford Council to exercise discretion in the following exceptional circumstances. In the interests of fairness to all applicants these circumstances are kept to an absolute minimum:

- Emergency cases whose homes are damaged by flood, fire or other disaster may be provided with another tenancy immediately if it is not possible to repair their existing accommodation.
- Households who on advice from the Police or Social Services must be moved immediately as a matter of urgency.
- Households from outside the area where Trafford Council owes another local authority or Registered Provider a nomination to someone on an urgent reciprocal basis, such as where an applicant has had to be re housed outside the area due to domestic abuse.
- An applicant has an exceptional need that is not covered by the Allocation Policy e.g. where child or public protection issues require urgent re-housing.

Such cases, depending on their exceptional circumstances, will either be awarded additional preference and placed in Band 1 or Band 2 and/or may be made a direct offer of accommodation. It is the responsibility of HOST and the Council to make evidence based assessments of exceptional circumstances, and to record these fully to ensure a fair and transparent process so that cases can be fully scrutinised by Elected Members of the Council.

HOST will be responsible for monitoring and recording the reasons why exceptional circumstances cases have been put forward to the Exceptional Circumstances Panel. Information will be fed back to the Council quarterly.

Serious Offenders

It is sometimes necessary to provide housing which will minimise the risk to the community and where supervision of the individual can be maintained. This may also apply to individuals currently living in the community who are considered to pose a risk to themselves and/or others.

The Council will work with the Police, Probation Services and One Trafford to assess and manage risk and will apply special arrangements where cases are referred through the Multi-Agency Public Protection Panel (MAPPA), Integrated Offender Management (IOM) cases or any protocol with Probation Services. Officers will attend case conferences with the Police, Probation, Adult Social Care and Health professionals and a planned and managed relocation pathway will be agreed. This should include a full discussion of a range of housing options which are most appropriate to the customer's circumstances and supervision needs.

This may result in restrictions being placed on the choice of property or area that is open to an applicant, or may result in a direct offer of suitable accommodation being made to an applicant whenever they have sufficient priority under the Policy to receive such an offer.

Direct Offers

There may cases whereby HOST will need to make a direct allocation to a property rather than allowing the applicant to bid. Such cases include:

- Direct lets in circumstances where either there is an urgent and immediate need to move due to a risk to the applicant or where there would be a risk to the applicant by being required to take part in the bidding process.
- Multi Agency Public Protection Arrangements (MAPPA), Integrated Offender Management (IOM) cases or other high risk offenders.
- Applicants who are statutory homeless and owed a full housing duty where they have not successfully bid for accommodation within the limited period time.
- To fulfil duties in line with the Homelessness Reduction Act 2017.
- Homes that have been significantly adapted for a disabled person.
- New build wheelchair accessible homes.
- Homes that are suitable for adaptation for an identified customer with a disability and it has not been possible to identify an existing suitably adapted property.
- Extra Care Housing.
- Succession of tenancy, mutual exchanges and transfers of interest made under a court order.
- Where applicants in hospital cannot return home and discharge is delayed.

The Policy of allowing allocations outside of the Policy via a direct allocation date order for may apply where a ground floor flat is available and an applicant with very high priority requires such accommodation in a specific area. Rather than select an applicant with general needs to the property, HOST reserves the right to allocate to a high priority applicant in need of such accommodation.

In addition vacant properties which are adapted, or which are suitable for adaptation, or can meet the needs of an applicant with a disability or other special reasons may be allocated. This may be through a direct offer or by bypassing cases who have bid, but where the nature of the property or its current adaptations match the specific needs of that applicant requiring an adapted property. Specially adapted properties will be labelled so that only applicants who meet specific criteria may successfully bid.

Direct allocations may be made where information is available which would compromise the safety of the applicant or others e.g. where a high risk offender is not allowed to live in a certain area or where a person previously guilty of harassment or domestic abuse should not be placed in the same area where a victim of that harassment or abuse currently lives.

Offers to Homeless Applicants and Exceptional Circumstances

Where a homeless applicant bids for accommodation and is successful, the offer will be the applicant's final offer and will end the Council's homelessness duty. In such cases an applicant will have a right of review under the homelessness legislation to the suitability of any accommodation offered.

Where the Council has accepted a full homeless duty under sections 193(2) or 195(2) and applicants who have been awarded Band 1 or 2 by the Exceptional Circumstances Panel, applicants can only exercise choice for a limited period of 4 weeks after which time, regardless of whether suitable properties have become available, HOST is entitled to make a direct offer in either the social or private rented sector, which will fully end its Part 7 Homelessness Duty. During the 4 week period, applicants will also have to choose a minimum of 3 areas. HOST can place bids on behalf of the applicant in their choice of areas only during the limited period. After the 4 week period has ended, HOST is entitled to make a direct offer. A direct offer must be suitable and can be made in either the social rented sector or the private rented sector. For homeless applicants the offer will end the Council's Part 7 Homelessness duty.

Whether or not a homeless applicant accepts an offer of accommodation made under this Policy, they have the right to request a review of the suitability of the accommodation they have been offered. Homeless applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a review of its suitability.

For Exceptional Circumstances applicants where they have bid for a property and are successful, this will be their final offer. Applicants who refuse the offer will be cancelled from the Housing Register.

PART 5: Review of Decisions Made & Complaints

Review of Decisions

Any applicant has the right to request a review of any of the following decisions:

- That they are not eligible under the Allocation Policy, this includes decisions where Trafford Council has deemed an applicant ineligible due to unacceptable behaviour.
- The applicant is removed from the Housing Register on the grounds they are no longer eligible.
- The categorisation of an application as a reduced priority case or where reduced priority has been given due to behaviour, current or former rent arrears, local connection, or an applicant's financial resources.
- Where an application has been cancelled due to refusal of an offer.

Any review request concerning the facts of the case is not a review of the decision but a review of the facts taken into account when making the decision.

If an applicant is not entitled to Reasonable Preference on medical grounds, their case cannot be subject to a review. It is only HOST's decision on the facts of the applicant's medical condition that can be subject to a review.

Any applicant wishing to request a review of a decision must do so by contacting HOST directly in writing within 21 days of being notified of a decision.

All reviews will be dealt with by a Senior Officer of Trafford Council within 28 days of the request. All decisions following reviews will be notified to the applicant in writing giving the reasons for the decision.

Complaints

An applicant who is not satisfied with the Housing Register and the administration of the Allocations Policy can register a complaint to HOST's complaint procedure by telephone, e-mail or in person at the HOST office. All complaints will be acknowledged and investigated (1-5 days for acknowledgement and 8 weeks to respond with a decision).

An applicant who has a complaint about the Allocations Policy can register a complaint with Trafford Council's Complaint procedure by telephone, email or in person at Trafford Town Hall or any other Council offices in the borough. If the applicant remains dissatisfied following the outcome of their complaint, having followed their complaint through all stages of the relevant complaints procedure, they may also make a complaint to the Local Government Ombudsman if they believe that mal-administration has taken place.

Appendix 1 – Data Protection Act and Service Standards:

DATA PROTECTION AND INFORMATION SHARING

Data Protection

1. All information held is subject to the Data Protection Act 1998. The Council and HOST will seek the express consent of applicants joining their Housing Register to share personal information about the applicant, and any member of their household.

Information sharing without consent

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

SERVICE STANDARDS

Our Customer Commitment

HOST will consider every application received and:

- ✓ Make sure legal obligations in nominating people to accommodation owned by all Registered Providers are met.
- ✓ Provide free advice and information about the right to apply for accommodation.
- ✓ Provide free assistance to applicants who may have difficulty when making an application.
- ✓ Make sure any information HOST provide is easy to understand and is readily accessible.
- ✓ Outline how HOST offer choice and the ability for applicants to express preference.
- ✓ Provide information to all applicants of what types of accommodation are available throughout the borough.

- ✓ Provide information about how long an applicant is likely to have to wait before being nominated to accommodation.
- ✓ Provide a full copy or a summary of this Policy to all households who make a request.
- ✓ Treat each applicant equally in accordance with their need, regardless of race, religion or creed, ethnic or national origin, disability, gender, sexual orientation or marital status.
- ✓ Regularly monitor ethnic origin and disability of applicants who apply for accommodation.
- ✓ Nominate to all vacant Registered Providers homes that are ready to let as quickly as possible.
- ✓ Ensure that all information provided by applicants will be treated in strictest confidence. HOST will comply fully with the Data Protection Act in relation to all information it holds about applicants.

Appendix 2 - Local Lettings Policies

Local Lettings Policies

The Council may, in agreement with HOST and participating Registered Providers, develop local lettings plans for specific areas, estates, or blocks in order to develop and promote balanced and sustainable communities. Local Lettings Policies may include age restrictions, a desire to encourage more employed tenants to live in a certain area, or to promote key workers living locally.

The decision to implement a local lettings plan will be approved by the Senior Officer at the Council and agreed by the Chief Executive of the relevant Registered Provider (or other officer or body of the provider) for whom Trafford Council has nomination rights.

Any decision to implement a Local Lettings Policy will always take into account the implications for equal opportunities and the need for the Allocations Policy to meet the needs of those owed a Reasonable Preference.

Local Lettings Policies will be subject to a review at least every 12 months, or as and when changes to an estate, area or block, necessitate such a review.

Appendix 3 – Summary of the Bands

Note the descriptions used below are a summary of the criteria for qualification under each Band. This is not a substitute for the full detailed Policy on when priority will be awarded which is contained in the relevant section of the Policy itself.

BAND 1:	
Urgent Need Band and those owed Reasonable Preference	
Homeless Households owed a full homeless duty under section 193(2) or 195(2) of The Homelessness Act 2002 as amended by the Homelessness Reduction Act 2012.	Accepted statutory homeless cases owed a full homelessness duty by Trafford Council (note for cases owed a full homeless duty by any other Council they will receive a reduced preference for not having a local connection to Trafford unless subject to a s213 referral or fleeing violence).
Emergency Medical, disability or welfare	Emergency medical banding is granted only in exceptional circumstances. This includes when the applicant or a member of the applicant's household has a life threatening condition, which is seriously affected by their current housing, or their home cannot be accessed due to ill health or disability. A full list of circumstances where an award of emergency medical priority is given in the Policy.
Exceptional circumstances/need to move.	Agreed in exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling in the social or private rented sector and there is high risk to the tenant or family's safety if they remain in the dwelling or area. For social housing tenants transfers will be to properties of the same size and type where required, but locations or areas are likely to change. A full list of the cases that would qualify is detailed in the Policy. Emergency need to move and exceptional circumstances are determined by the Exceptional Circumstances Panel.
Release adapted property.	Where a tenant does not require a specially adapted property for disabled use, and there is a demand for its use from a disabled applicant in high housing need.
Statutory Overcrowded.	Those that are statutory overcrowded as defined by the Housing Act 2004.

Move on from approved supported accommodation.	Applicants will be awarded this category for certain approved projects in accordance with protocols agreed between Trafford Council, HOST, service providers and the voluntary sector body. Not all applicants who occupy named supported housing projects will qualify for Reasonable Preference.
Care Leaver.	Applicants are awarded this category in accordance with protocols between the Council, HOST and Children's Families and Wellbeing Directorate. Applicants must be a former 'Relevant Child' as defined by the Children Leaving Care Act 2002. They must have vulnerability and urgent housing need that is best met by the provision of long term settled affordable housing.
Foster Carers and Adopters.	Approved Foster Carers and/or Adopters with a need to move to larger accommodation. However this would require a letter of support from CYPS (or the approving Local Authority) prior to qualification.
Insanitary or unfit property.	<p>An applicant living in a private sector property, either owned or rented, has been issued with a statutory notice by the Environmental Health Team that the property is unfit and to be demolished under the Housing Act 2004.</p> <p>Those applicants living in a property that is a category 1 hazard and as a result uninhabitable due to: severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period. In exceptional cases where the problem can be rectified within 6 months but the impact on the applicant of remaining would be considerable the Exceptional Circumstances Panel will decide if reasonable preference will be granted.</p>
Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces.	All ex-Armed Forces applicants in housing need will be assessed and awarded addition priority as appropriate (the next band up).
<p>BAND 2:</p> <p>Need to move and are owed Reasonable Preference</p>	
Applicants who are owed the Relief Duty.	Applicants who are owed the Relief Duty and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002, and The Homelessness Reduction Act 2017.

Applicants who are owed the Prevention Duty (after 28 days and active contribution to the Personal Housing Plans).	Applicants who are owed the Prevention Duty, and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002, and the Homelessness Reduction Act 2017. Applicants will need to have been within the Prevention Duty for 28 days before being awarded Band 2 and will need to be actively complying with the Personal Housing Plans.
Applicants overcrowded by the Bedroom standard.	Applicants overcrowded by 2 bedrooms or more.
Applicants under occupying by 2 or more bedrooms.	Tenants (private or social) in Trafford who are under-occupying family accommodation by two or more bedrooms.
Medical grounds.	Applicants who have an urgent need to move on medical grounds because their current home is having a severe adverse effect on the health or a member of the household, but who do not qualify for Band 1 urgent medical priority (see the main Policy for details of how Band 1 and Band 2 Medical priority will be assessed).
Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces.	All ex-Armed Forces applicants in housing need will be assessed and awarded addition priority as appropriate (the next band up).
<p>BAND 3 :</p> <p>Applicants who do not meet the criteria for Band 1 and 2 but are owed Reasonable Preference.</p>	
Applicants owed the Homeless Prevention Duty	Applicants who are owed the Prevention Duty, and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002, and the Homelessness Reduction Act 2017.
Applicants aged 55 and over	Applicants 55+ seeking sheltered accommodation
Under occupying by one bedroom.	Tenants (private or social) in Trafford who are under-occupying family accommodation by one bedroom.

<p>Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces.</p>	<p>All ex-Armed Forces applicants in housing need will be assessed and awarded addition priority as appropriate (the next band up).</p>
<p>BAND 4: Applicants not assessed as being owed reasonable preference but who meet the Trafford Positive Community Criteria.</p>	
<p>Trafford Positive Community Criteria</p>	<ul style="list-style-type: none"> • Those employed or undertaking training. • Applicants that can demonstrate a contribution to the local community such as voluntary work. This could be specific to the area where a Local Letting Policy is deployed or could be voluntary work regardless of which community benefits. • Applicants with a strong family connection to certain areas. • Applicants who are key workers as defined by Trafford Council. This could be in the health services, social care or transport. • Applicants in private rented sector who have a positive tenancy history assessed through reference including perfect rent record, maintaining a property in good condition, no complaints of anti-social behaviour.
<p>Former or current members of the armed forces, bereaved spouses and civil partners of members of the Armed Forces.</p>	<p>All ex-Armed Forces applicants in housing need will be assessed and awarded addition priority as appropriate (the next band up).</p>
<p>BAND 5: Applicants owed Reasonable preference but who have been awarded reduced preference, no recognisable Housing Need or no priority.</p>	
<p>Applicants who would have been owed reasonable preference but whose priority has been down banded according to the Policy for rent arrears, behaviour, no local connection, savings, equity or earning.</p>	<ul style="list-style-type: none"> • Applicants who are owed a Reasonable Preference but have been awarded reduced preference under the Policy. • Applicants whose household income levels, households' capital or savings exceed the national average. • Applicants with no recognisable housing need who do not meet the Trafford Positive Community Criteria <p>See Policy for full details.</p>

<p>Applicants who have no recognisable housing need and do not meet the Trafford Positive Community Criteria.</p>	
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Appendix 4 – Bedroom Standard

Bedroom Standard and Type of Accommodation

When deciding the size of property for which applicants will be eligible, the following Bedroom Standard will be used.

The rules allow one bedroom for each of the following people:

- every adult couple (married or unmarried).
- any other adult aged 16 or over.
- any two children of the same sex aged under 16.
- any two children aged under 10.
- any other child, (other than a foster child or child whose main home is elsewhere).
- a carer (or team of carers) who do not live with you but provide you or your partner with overnight care.

Bedroom Standard				
Household Size	Number of bedrooms			
	1	2	3	4
Single Person	✓			
Couple wishing to live together	✓			
28+ weeks pregnant woman with or without partner and no other children	✓	✓		
In exceptional cases e.g. where there are care needs adult siblings wishing to live together	✓	✓		
Parent(s) with one child		✓		
Parent(s) with two children		✓	✓	
Parents with three or more children regardless of age or sex			✓	✓

When deciding whether an applicant and their household is under-occupying, or lacks two or more bedrooms to assess eligibility for Band 1, the lower number of bedrooms shown against each size of household will be used as the standard number of bedrooms required for the household concerned, e.g. a parent with two children who is living with parents and has the use of one bedroom will be deemed to lack one bedroom.

Type of accommodation

Sheltered housing will normally be available only for applicants over 55 unless the age has been specified by the Registered Provider.

Accommodation that is designated as supported housing will be available only for applicants who are eligible for that particular accommodation, e.g. some supported housing is provided exclusively for people with learning difficulties, or for young people leaving care.

Where accommodation is available only for applicants who satisfy such special criteria, this will be clearly recorded in the notes page of the nomination.

Size and type of property for which applicants are eligible

In order to make the best use of the available housing stock, it is essential to let vacancies to those who need that size and type of property, this includes houses with two or more bedrooms to be let to families with young children, sheltered housing flats for older people and properties that have been built or adapted for a person with a physical or sensory disability.

When deciding the size and type of property for which applicants are eligible, the Bedroom Standard will normally be used.

In exceptional circumstances HOST may exercise discretion in deviating from the Bedroom Standard as follows:

- a) For those applicants who are separated or divorced and sometimes care for their children, a HOST Senior Officer will consider how often and for how long the children stays with them and whether there is a court order in place. If appropriate, that Officer may exercise discretion and award additional bedrooms for the children in accordance with national guidance.
- b) Where applicants require larger accommodation on health grounds, the HOST Special Needs Assessment Panel will consider this on a case by case basis, taking into account the completed medical form.
- c) Where there is little or no demand for a particular vacancy and it is therefore difficult to let.
- d) Where no suitable applicants can be identified to make the best use of larger accommodation.
- e) Where the applicant has been approved as a foster carer and will need a larger property than normally required by the household.
- f) Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household.

Appendix 5 – Reasonable Preference Categories

The reasonable preference categories in section 167(2) of the Housing Act 1996 are:

1. People who are homeless (within the meaning of Part 7 of the Act).
2. People who are homeless and in priority need but homeless intentionally.
3. People who are homeless and in priority need and not intentionally homeless.
4. People threatened with homelessness and in priority need and not intentionally homeless.
5. People who are not intentionally homeless but not in priority need.
6. People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
7. People who need to move on medical or welfare grounds (including grounds relating to disability).
8. People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

Additional reasonable preference groups

1. Former or current members of the regular Armed Forces.
2. Prospective adopters and Foster Carers.
3. Care Leavers.
4. Working households.

Appendix 6 - Officer Roles and Responsibilities

The power to operate the Allocations Policy is a power delegated by full Council in accordance with Trafford Council's Policy of delegation.

Under Section 167 Housing act 1996 as amended by 2002 Homelessness Act and Homelessness Reduction Act 2017.

'Every local housing authority shall have a scheme (their allocation scheme) for determining priorities and as to the procedure to be followed, in allocating housing accommodation. For this purpose 'procedure' includes all aspects of the allocations process, including the persons or descriptions of persons by whom decisions are to be taken'.

To meet this legal requirement the following table sets out which Officers (in terms of post and level of responsibility) will take decisions under the Council's Allocations Policy.

Officer Designation	Role and Responsibilities
Housing Registration Team (HOST)	<ol style="list-style-type: none"> 1. Provision of advice and assistance including telephone advice and interviewing. 2. Inputting data relating to individual applications where the applicant is unable to access the online system. 3. Answering general queries by telephone, in writing, and in person. 4. Verification of documents and applicant circumstances. 5. Assessment of incoming applications against the Policy, including decisions on eligibility in respect of immigration or serious behaviour. 6. Assessment of nil or reduced preference and when any reduced preference restriction can be lifted according to the criteria. 7. Homelessness assessments.
HOST Operational Manager responsible for Allocations	<ol style="list-style-type: none"> 1. Undertaking 1st stage of Reviews for Allocations. 2. Monitoring allocations and nominations. 3. Deciding on complicated cases that require referral from HOST. 4. Deciding which exceptional cases or welfare cases need to be considered by the Exceptional Circumstances Panel. 5. Awarding priority for emergency cases whose homes are damaged by flood, fire or other disaster may be provided with another tenancy if it is not possible to repair their existing accommodation. 6. Awarding priority for households who advice from the Police or Social Services said they must be moved immediately as a matter of urgency. 7. Awarding priority for households from outside the Trafford area where another local authority or Registered Provider/Housing Association a nomination to someone on an urgent reciprocal basis, such as where an applicant has had to be re-housed outside the area due to domestic abuse.

Exceptional Circumstances Panel	<p>See Appendix 7 below for details of how the panel will operate.</p>
Special Needs Assessment Panel (Senior Officer from HOST & Trafford Council)	<p>Awarding priority for medical cases where applicants have an urgent medical need for rehousing.</p>
Senior Trafford Council Officer (Housing)	<ol style="list-style-type: none"> 1. Undertaking Statutory Reviews for Homelessness decisions, intentionally homeless and suitability of accommodation. 2. Allocations Reviews once HOST have dealt with the initial review. 3. Review and interpreting Allocations Policy.

Appendix 7: Exceptional Circumstances Panel

Terms of Reference

The Panel will consider cases where:

1. An applicant has an exceptional need that is not covered by the Allocations Policy.
2. Welfare cases that need to be assessed to determine if they are owed reasonable preference and do not fall within the routine welfare groups listed in the Policy such as those in supported housing who are ready to move on and are in need of long term settled accommodation.

The Panel will consist of appropriate officers responsible for Allocations from both Trafford Council and HOST.

Cases considered by the Panel will be depending on their circumstances awarded either Reasonable Preference or additional preference. An applicant will be placed in Band 1 or Band 2 depending on their circumstances. Where appropriate a direct offer of accommodation will be made.

It is the responsibility of the Senior Officer at HOST to make evidence based assessments of exceptional circumstances. Cases must be record fully to ensure a fair and transparent process has been followed and that cases can be fully scrutinised by members of Trafford Council to ensure that they fully meet the exceptional circumstances criteria.

The Panel will consider housing need including needs of the applicant and the members of their household. The Panel will consider the following types of cases listed below; however this list is not exhaustive. Representations can be received from an applicant and their representative and or professional body:

- Applicants with medical problems that are not sufficient on their own to confer priority, but where there are other relevant social factors.
- Needing more settled accommodation in order to deal with child protection issues arising under the Children Act.
- The household seeking accommodation has welfare needs so severe that the protection of vulnerable adults or children is only possible if the household were to move to a new home and where the present circumstances could deteriorate to such an extent as to place household members at risk, or in need of residential care unless re-housing is offered.
- Families with a child with behavioural difficulties, which may require an additional bedroom or particular type of accommodation.
- Requiring additional space such as for a carer or to foster.

- The risk level of a potentially vulnerable person continuing to live in their current address.
- The need for re-housing due to irreconcilable neighbour difficulties.
- Requests to agree exceptions to established policies e.g. reduced preference due to former or current rent arrears, where to adhere to the Policy would cause special hardships.
- Requests to agree an applicant for any type of special housing provision, e.g. floating support, supported housing because of a learning difficulty, mental health problems, alcohol or drug misuse, sensory difficulties, a need for low-rise or low density accommodation or accommodation in specific areas of the borough to give or receive support.
- Requests to transfer following harassment including verbal abuse, insults, intimidation, damage to property or possessions, threatening or abusive behaviour, racist, homophobic or other abusive graffiti, unprovoked assaults including common assault, actual bodily harm and grievous bodily harm, use of dogs, arson and attempted arson, threatening letters, 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.
- Requests for a transfer or re-housing where there has been a bereavement or personal tragedy in the property or area.

Appendix 8 – Glossary of Terms

This glossary is in alphabetical order and contains definitions of the terms used in the Allocations Policy. If any of the definitions here is unclear, you may contact HOST for advice.

Adaptations - Adaptations are changes to a home, usually funded by the Council or a Registered Provider, that make it accessible or suitable for a tenant with physical challenges or disabilities. These may be very specific to the needs of person currently living there, but the Council will always seek to re-use such facilities where possible.

Anti-Social Behaviour - This is behaviour which causes nuisance, alarm or distress to one or more persons not of the same household as the perpetrator.

Assured Shorthold Tenancy (AST) - Created under Section 20 of Housing Act 1988, an Assured Shorthold Tenancy is granted for a fixed term between 6 months and 5 years. Upon expiry of a valid Notice of Seeking Possession the Court has no discretion to allow the tenant to remain.

Banding - Banding is the method we use to award priority to applicants. There are five main bands and these reflect the comparative urgency of applicants' need to move.

Bidding - This is the process by which applicants register their wish to be considered for a particular property, for which they are eligible. No money changes hands in this process.

Choice Based Lettings (CBL) - A system of letting properties by which vacant properties are advertised and applicants choose those they wish to bid for or otherwise express an interest.

Code of Guidance - Issued by the Department for Housing, Communities and Local Government. Gives guidance on how a local housing authority should register applicants and allocate accommodation (under Part VI) and carry out its statutory duties and responsibilities towards the homeless (under Part VII) of the Housing Act 1996.

Current or Former Rent Arrears - Arrears accrued as a result of non-payment of rent whilst living in the current or a previous property

Homeless - As defined in sub-paragraphs (a) and (b) of section 167(2) of the Housing Act 1996.

Homeless Reduction Act 2017 – An amendment to the Homelessness Act 2002 which includes a 56 day prevention duty and a 56 day relief duty along with the formulation of an agreed personal housing plan.

Homelessness Prevention Duty – Applicants who are owed the Prevention Duty, and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002, and the Homelessness Reduction Act 2017.

Homelessness Relief Duty - Applicants who are owed the Relief Duty and meet the legislative requirements under the Housing Act 1996, as amended by the Homelessness Act 2002, and The Homelessness Reduction Act 2017.

Housing Act 1996 - Part VII - Homelessness legislation governing the discharge of a local authority's duties and responsibilities following receipt of an application for housing assistance from a homeless person 94.

MAPPA - Multi Agency Public Protection Arrangement. Provides the statutory framework for inter-agency co-operation in assessing and managing violent and sex offenders in England and Wales.

Mutual Exchange - A scheme which enables two social housing tenants to swap their homes.

Nominations Agreement - An agreement under which the Council can place those in housing need into Registered Provider homes as they become available.

Nomination Request – A vacant properties provided by a Registered Provider to advertise through the CBL system.

Offenders Protocol - A multi-agency protocol developed to assist service providers to assist offenders to secure suitable accommodation.

Over-Crowding - A tenant is considered to be over crowding their home when they have less bedrooms than they need, in accordance with the Council's bedroom standard.

Priority Need - The groups defined as being in priority need by Section 189(1) of the Housing Act 1996.

Priority Re-housing Group - The Council has identified a number of groups of applicants who should receive priority consideration for re-housing because of their housing need (e.g. Medical grounds).

Registered Provider (RP) - Registered Providers (Housing Associations) registered with the Homes England (formerly the Homes & Communities Agency – HCA), who own housing stock in the borough.

Reasonable Preference – The Housing Act 1996 (as amended) states when determining priorities under the Allocation Policy, the Council must give reasonable preference to certain categories of people. This currently includes those who are homeless, who the local authority has a duty to accommodate, occupying insanitary, overcrowded or unsatisfactory housing conditions, who need to move on medical or welfare grounds and who need to move to a particular locality to reduce hardship.

S193 Accommodation - Accommodation provided to homeless applicants to whom the Council owes a duty to secure the temporary accommodation under s193 of the Housing Act 1996.

Suitable Offer - A suitable offer is an offer of accommodation with a Registered Provider or a private landlord (that has been approved by the Council). If the offer is accepted, the Council will discharge its housing and/or homelessness duty to the applicant.

Temporary Accommodation - Interim accommodation provided to persons applying for housing assistance as homeless pursuant to Sections 188, 190, 200, or 204 of the Housing Act 1996.

Under Occupying - A tenant is considered to be under-occupying their home when they have more bedrooms than they need, in accordance with the Council's bedroom standard.

Vulnerable - A priority need category under Section 189(1), Part VII, Housing Act 1996 (see Priority Need)