

# Health and Wellbeing Scrutiny Panel

Agenda  
Item:

**A.3**

Meeting Date:	16 July 2020
Portfolio:	Economy, Enterprise and Housing
Key Decision:	No
Within Policy and Budget Framework	Yes
Public / Private	Public
Title:	New <i>Cumbria Choice</i> Allocations Policy & Equality Impact Assessment
Report of:	Corporate Director of Governance and Regulatory Services
Report Number:	GD.27/20

### **Purpose / Summary:**

The final draft of the Cumbria Choice Based Lettings Allocations Policy review (2020) is included as *Appendix 1*, supported by an updated Equality Impact Assessment (EIA) as *Appendix 2*, with a summary of the key changes from the previous policy included as *Appendix 3*. The updated Policy relates to homelessness as well as allocations. Approval of the updated *Cumbria Choice* Allocations Policy will ensure that there is greater clarity for households in Carlisle who are currently registered for social housing or who may register in the future. As this is a shared Allocation Policy, which has to be approved by thirteen different partners, it is also proposed that any minor changes resulting from the consultation process can be signed off by the Corporate Director of Governance and Regulatory Services in consultation with the Portfolio Holder for Economy, Enterprise and Housing.

### **Recommendations:**

That the Members of the Panel consider the updated Allocations Policy and accompanying EIA and provide relevant feedback and guidance to the Executive.

### **Tracking**

Executive:	<b>20 July 2020 (and a date to be determined subject to changes to policy recommended)</b>
Scrutiny:	<b>16 July 2020</b>
Council:	<b>8 September 2020</b>

## **1. BACKGROUND**

- 1.1** *Cumbria Choice* is the adopted social housing allocation policy of all six district councils in Cumbria, as well as the seven largest housing associations operating in the county. *Cumbria Choice* has been in operation since 2011, and the policy is periodically reviewed by the partnership to ensure it remains fit for purpose and is fully compliant with the latest legislation and good practice. The Policy was most recently updated in 2016. The Policy now needs to be updated to reflect legislative changes, notably the *Homelessness Reduction Act 2017* and associated Code of Guidance, as well as further Allocations regulations arising from the UK's exit from the EU, issued in 2019.
- 1.2** The Project Board appointed a consultant, Andy Gale (who led on the previous *Cumbria Choice* review) to undertake the 2020 Policy review. Mr Gale has considerable experience in the field of allocations and homelessness, so his input has helped to ensure the new Policy is fully compliant with the latest legislation. The timescale for the Policy review is crucial as the changes need to feed into the specification for the procurement of a new IT platform. The contract for the current system expires 31 March 2021 and in order to ensure that the new system goes live on 1 April 2021, the procurement needs to be concluded as soon as possible.
- 1.3** An important distinction between *Cumbria Choice* (both existing and updated versions) and earlier allocations schemes is that people on the register apply for vacant properties they are interested in, giving them more of a choice in where they live and a greater stake in their local communities. Under earlier policies people were allocated properties as vacancies arose, based on a waiting list scheme, meaning there was much less choice. People also had to complete a separate housing application form for each housing provider (all of whom operated different policies) meaning the previous system was less consistent and transparent.

## **2. PROPOSALS**

- 2.1** As the updated draft policy also relates to homelessness, and not solely allocations, it falls within the ambit of the Council's budget and policy framework, so will need to be considered through the full Committee process. Executive on 20 July will consider the response from Health and Wellbeing Scrutiny Panel and refer any changes to South Lakes District Council (who are the lead Local Authority on *Cumbria Choice*).

If there are no proposed amendments the Policy review will be recommended to Council on 8 September for adoption; however, if there are proposed changes as a result of the consultation process then these will be considered by the Executive at a date to be determined, as any significant delay would jeopardise the ability of the partnership to procure the new IT contract prior to the expiry of the existing contract at the end of March 2021.

**2.2** One of the key aims outlined in the current policy is to “improve the means by which local people in Cumbria gain access to social rented housing by providing a modern and easy to understand allocation system which allows choice and is fair, transparent and accountable”. The review has undertaken to streamline the Policy so that it is easier to understand and apply for people who need to access social housing and to the Registered Providers who administer the Scheme. Further aims are to “make best use of available housing stock” and to “to ensure that there is a social housing lettings service that embraces equality and diversity by being open and fully accessible to all individuals”.

**2.3** Applicants on Cumbria Choice are allocated bands, based on their level of housing need. Under the updated policy, which reduces the number of bands from five to three to make the policy more straightforward and easier to understand, the new bands are:-

Band A – Urgent Housing Need to Move

Band B – Statutory Housing Need to Move

Band C – All Other Applicants in Housing Need.

Band C is awarded where an applicant is not assessed as coming under the criteria adopted by the policy for being in a statutory housing need. Applicants placed in band C can still bid for properties but will not be considered above applicants from Bands A or B who have bid for the same property. Full details of the bandings are included in *Appendix 1*. It is anticipated that the proposed changes will simplify the operation of the policy to the benefit of both staff and customers.

**2.4** The full detail of the proposed amendments is included in the *Appendices* to this report:-

- The full updated policy is included as *Appendix 1*;
- The supporting Equality Impact Assessment, approved by the Project Board in June, is provided as *Appendix 2*;

- The two major changes to the policy are a reduction from five housing priority bands to three and a reduction in the minimum local connection qualification period from three years to one year. Many of the other amendments are of a more technical nature, and the full list of proposed amendments to the previous version of the Cumbria Choice policy is included in *Appendix 3*.

**2.5** A further update to the policy (not included in *Appendix 1*) will be required, in respect of new statutory guidance introduced on 27 June, after the final draft of the policy had been agreed. The Project Board are currently working on this update, which: -

- Strongly encourages local authorities to exempt from their local connection requirements divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence, and
- Sets out how local authorities can ensure that members of the Armed Forces and veterans suffering from mental ill health and given appropriate priority for social housing.

Further amendments to the Policy are also being made in respect of suggestions made by the Council's Information Governance Manager regarding the following sections:-

- General Data Protection Regulations 2018
- Assessing Applications.

All these amendments have been agreed in principle and the policy is currently being redrafted accordingly by the partnership to accommodate these changes. It is anticipated these updates to the Policy will have been made before the Cumbria Choice update is reported back to the Executive.

### **3. CUMBRIA CHOICE HEADLINE PERFORMANCE FIGURES**

#### **3.1 Total Number of Applicants**

The table below sets out the total number of applicants registered on Cumbria Choice, including their minimum bedroom requirement, registered up until 31/03/2020.

Local Authority	Minimum bedrooms required					Total
	1	2	3	4	5	
Allerdale Borough Council (ABC)	1251	522	252	10	1	2036
Barrow Borough Council (BBC)	857	409	249	5	1	1521
Carlisle City Council (CCC)	2909	1300	741	27	2	4979
Copeland Borough Council (CBC)	842	294	179	3	1	1319
Eden District Council (EDC)	585	255	132	2	1	975
South Lakeland District Council (SLDC)	2433	1061	441	12	0	3947
<b>Total</b>	<b>8877</b>	<b>3841</b>	<b>1994</b>	<b>59</b>	<b>6</b>	<b>14777</b>

### 3.2 Applicants in Priority Need for Housing

The following table identifies the number of households in priority need bands, as at 31 March 2020 under the old policy:-

- A – Urgent Housing Need to Move
- B – Statutory Housing Need to Move
- C – All other Applicants in Housing Need.

Under the old policy bands D & E are non-priority. The new policy reduces the number of bands from five to three to make the policy easier to understand and more transparent.

Local Authority	Band A	Band B	Band C
Allerdale Borough Council	34	98	422
Barrow Borough Council	33	105	366
Carlisle City Council	74	212	1214
Copeland Borough Council	47	100	306
Eden District Council	5	21	188
South Lakeland District Council	91	167	760
<b>Total</b>	<b>284</b>	<b>703</b>	<b>3256</b>

Of the 14,777 households registered for Cumbria Choice, 4243 are identified as being in a priority need group.

### 3.3 Lettings by Band

The following table sets out the total lettings through Cumbria Choice during 2019-20.

Local Authority	Band					
	Anony-mised	A	B	C	D & E (non-priority)	Total
Allerdale	27	32	43	233	293	628
Barrow	3	20	88	87	41	239
Carlisle	4	25	66	176	190	461
Copeland	8	19	46	98	119	290
Eden	45	5	17	69	129	265
SLDC	12	52	55	102	73	294
<b>Total</b>	<b>99</b>	<b>153</b>	<b>315</b>	<b>765</b>	<b>845</b>	<b>2177</b>

In the last year 1,233 lettings (over 59%) went to people in priority need bands (this has been calculated by subtracting the anonymised figures, which could be in any band from the total before applying the percentage).

Even in cases where people are allocated a priority banding due to a disability, in some cases there may still be a delay in re-housing them,

as they may need to wait for a suitably adapted property to become vacant in a location where they have a support network.

#### **4. RISKS**

- 4.1** The Council needs to ensure it is content with the wording of the updated Cumbria Choice policy before approving it; however, there would be risks in not adopting the policy. All local housing authorities are required to have an allocation scheme for determining priorities and procedures for the allocation of social housing in the authority area (regardless of whether the authority has its own housing stock). Should the Cumbria Choice partnership cease to exist, the Council would be required to come up with a new Allocation Policy. The Partnership Approach requires that we have a collectively agreed policy across Cumbria. If Cumbria Choice ceased to operate when the current IT contract ends at the end of March 2021 this would mean all of the partners going back to operating their individual policies with separate waiting lists, which would be a lot more onerous and less transparent for social housing customers.
- 4.2** The partnership approach also has benefits for local residents, as prior to the implementation of Cumbria Choice in 2011, applicants for social housing had to apply separately to each housing provider (all of whom operated different allocation policy) so the old system was less transparent and consistent.
- 4.3** Approval of the updated Policy ensures the Council is meeting statutory requirements around equality and diversity, reducing the risk of any legal challenge. The revisions to the policy address any potential negative impacts on protected characteristics by providing a clearer and more consistent approach to the allocation of social housing.
- 4.4** The current IT contract expires on 31 March 2021, so any delay in approving the new Policy would increase risks regarding the timetable for the procurement of the new IT system, which will be required to accompany the new Policy.
- 4.5** Alternatively, Members could decide not to recommend approval of the amended policy or request many additional or substantive amendments. This is not recommended, as the updates recommended will provide a clearer policy and one which is responding to legislative changes, including the *Homelessness Reduction Act*. If substantial changes are

to be considered by the Project Board then this could significantly delay implementation of the revised policy, which could then risk legal challenge by not responding to the legislative changes.

## **5. CONSULTATION**

**5.1** The revised policy and EIA is being considered by Health and Wellbeing Scrutiny Panel and relevant Carlisle City Council Officers. The Cumbria Choice Project Board have already consulted a wide range of stakeholders on the updated policy, which is supported by a full EIA, approved by the Project Board. Two specific comments and queries from Council Officers and Members have been received relating to the updated Policy, and responses to these points are included in *Appendix 4*.

**5.2** An extensive consultation has already been held by the Cumbria Choice Project Board, during April and May 2020, with a wide range of key stakeholders, including charitable and third sector organisations. This includes Adult Social Care and Supporting People (Cumbria County Council), the Citizens Advice Bureau, Law Centre, private landlord groups, Armed Forces personnel representatives, and a range of organisations representing children, young people, disabled people, homeless people, mental health, older people and BAME groups.

**5.3** Any major change to the policy can only be made after a copy of the proposed amendments have been consulted on by sending to every Registered Provider Housing Association in Cumbria, regardless of whether an association is a participating member of Cumbria Choice (Section s166A (13) Housing Act 1996). The Policy review has:-

- Taken all the views of partners into account;
- Considered consultation responses from a range of stakeholders.

## **6. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

**6.1** The proposed policy will help to ensure that there is a consistent and fair approach amongst housing associations letting homes in Carlisle to meet the greatest housing needs. Approval of the revised Cumbria Choice allocation policy, following Scrutiny and consideration by Officers, will ensure greater clarity and consistency for households registering for social housing in Carlisle, while simultaneously complying

with legislative changes (including the Homelessness Reduction Act and resultant Statutory Guidance).

**6.2** As this is a shared Allocations Policy, all thirteen Partners have to seek formal approval from their respective Boards, Committees, Cabinets and/or Council to enable the revised policy to be adopted. This could result in some minor alterations arising after other partners have formally agreed to adopt the new Policy. It is therefore recommended that delegated authority should be given to the Corporate Director of Governance and Regulatory Services, in consultation with the Portfolio Holder for Economy, Enterprise and Housing, to approve any minor changes arising from this process. This proposal is outlined under 'Making Changes to the Policy' included in Section 1 .Introduction and Background (*Appendix 1*).

## **7. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

**7.1** “Address current and future housing needs to protect and improve residents’ quality of life.”

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**Appendices  
attached to report:**

***Appendix 1: Cumbria Choice Based Lettings Allocations Policy (2020 Policy Review)***

***Appendix 2: Cumbria Choice: Revised Housing Allocations Scheme Equality Impact Assessment (EIA) June 2020***

***Appendix 3: Cumbria Choice Based Lettings Policy – Summary of Proposed Changes – 2020 Update***

***Appendix 4: Draft Cumbria Choice Policy Review 2020 - Consultation Responses***

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

## **Homeless and Rough Sleeping Strategy for Carlisle 2015-20**

<https://www.carlisle.gov.uk/LinkClick.aspx?fileticket=07JyYfUVyt4%3d&tabid=1888&portalid=0&mid=8408>

## **Homelessness Reduction Act 2017**

<http://www.legislation.gov.uk/ukpga/2017/13/contents/enacted>

### **CORPORATE IMPLICATIONS:**

**LEGAL** – The Council is required to have an allocations policy by virtue of Part VI of the Housing Act 1996. Furthermore, the Council has obligations under Part VII of the same Act in relation to Homelessness. The proposed policy is drafted in partnership with the other Cumbrian Councils so as to deal with the legislative requirements and have a consistent approach across Cumbria. Homelessness is one of the reserved matters under Carlisle City's policy framework (Article 4, Constitution) and, therefore, is required to follow the procedure for policy development.

**PROPERTY SERVICES** – No property implications.

**FINANCE** – There are no financial implications of adopting this revised allocation policy for social housing.

**EQUALITY** – The policy has been prepared with due regard to the Public Sector Equality Duty. An Equality Impact Assessment is included in the Executive paper.

**INFORMATION GOVERNANCE** – As part of the review, the data protection sections require updating as there are some out of date and some inaccurate points of information included within the Policy as it stands. In addition, the Privacy Notice on the Cumbria Choice website should also be reviewed in accordance with the eventual Policy amendments.

## Appendix 1



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## Section 1 Introduction and Background

### Members of the Cumbria Choice Based Letting Partnership

This document is the revised Housing Allocation Policy for the Cumbria Choice Partnership (CCP).

The Allocation Policy is called 'Cumbria Choice' and it is a choice based letting scheme where applicants can bid for advertised vacant properties. Cumbria Choice is a sub-regional partnership between the 6 Local Council Districts and 7 Registered Provider Housing Associations that own social housing stock across Cumbria.

The following are members of the Cumbria Choice Partnership:

Allerdale Borough Council  
Barrow Borough Council  
Carlisle City Council  
Copeland Borough Council  
Eden District Council  
South Lakeland District Council

Plus the following Housing Associations:

Accent Housing  
Eden Housing  
Home Group  
Impact Housing  
Riverside Housing  
South Lakes Housing  
Castles and Coasts Housing Association

Each of these Registered Providers (commonly known as and referred to in this policy as Housing Associations) have voluntarily signed up to the policy to ensure that all applicants applying for social housing in Cumbria are provided with a single route of access to social housing and are assessed using a single policy. Where any individual housing association in Cumbria is not a partner to the policy and continues to let vacant properties owed to the Council under a nominations arrangement, this policy will apply to the nominations owed.

The participating Housing Associations listed above (contact details are set out in appendix 5) have agreed to advertise the majority of their available vacant properties through the scheme and in accordance with this policy.

The 'Cumbria Choice Partnership' is overseen by a 'Sub Regional Project Board', which is governed by a partnership agreement. The membership consists of one senior officer representative from each organisation. Each organisation has one vote within the partnership.

The Project Board will meet at least six times a year to oversee the running of the scheme and to monitor its compliance with local and national policy and guidance. The partnership will continue to monitor, fund, develop and make policy decisions about the scheme as appropriate.

The policy covers the nomination of any applicant under the scheme to be an assured or an assured short hold tenant of housing accommodation held by any participating Housing Association across Cumbria, whether by way of a legally enforceable arrangement or not. This includes a nomination of a 'starter tenancy'. Of the 6 Cumbrian Councils only Barrow still owns Council stock and the policy applies to allocations made for that stock.

This policy sets out who is, and who isn't, eligible for social housing in Cumbria and how the CCP will make this assessment. It details how applications to join the CCP Housing Register can be made, the priority they will be given, and how offers of social housing will be made.

This is a revised 'Housing Allocation Policy' and will take effect in respect of all allocations of housing on or after [insert date here](#). The assessment of need and qualifying criteria set out in this policy will be applied to all new and existing Applicants from this date.

### **Legal context**

This is the 6 Cumbrian Councils Housing Allocation Policy as required by Part 6 of the Housing Act 1996. Applicants are able to apply for housing and all applications will be fully assessed.

When applying an applicant will be asked to choose a local authority or housing association partner to administer their application. Where a housing association partner assesses and administers an application they will, on behalf of the 6 Cumbrian local authorities, be formally discharging the legal responsibility for a local authority to receive applications and apply their adopted allocation policy to assess that application. All applications will be assessed and administered through applying this allocation policy: this being the legally adopted allocation policy for all 6 Cumbrian local authorities.

In developing this policy the Councils have followed and fully considered the following housing legislation, regulations, statutory guidance, and strategies:

- 1) The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- 2) The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
- 3) Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) "the Code";
- 4) Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code".

5) Plus the following statutory regulations:

- a. Allocation of Housing (Procedure) Regulations 1997, SI 1997/483;
- b. Allocation of Housing (England) Regulations 2002, SI 2002/3264;
- c. Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
- d. Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869;
- e. Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
- f. The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- g. 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)'

In framing our allocations scheme this policy has had regard to the District Council's Homelessness and Rough Sleeping Strategy, Housing Strategy, and Tenancy Strategy as well as the Equality Act 2010.

In relation to f) above in accordance with the Right to Move statutory guidance on housing allocations for local housing authorities in England (Department for Communities and Local Government, March 2015) the Policy sets a limit of no more than 2% of lettings will be allocated to social housing tenants from outside of Cumbria who need to move for employment purposes.

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

Where the Policy refers to the Cumbrian Choice Partnership, or CCP, this is to be taken to mean each of the 6 Cumbrian Councils. Each Council has adopted this Policy as its legal Allocation Policy to meet the statutory duty under Part 6 of the Housing Act 1996.

This Allocation Policy applies when a Cumbrian Council:

- a) Selects a person to be a secure or introductory tenant of housing accommodation (i.e. in practice accommodation owned by Barrow Borough Council as the other 5 Council Partners no longer retain social housing stock).
- b) Nominates a person to be a secure or introductory tenant of housing accommodation (i.e. in practice accommodation held by another housing authority).
- c) Nominates a person to be an assured tenant or assured shorthold tenant of

housing accommodation held by a Registered Provider (commonly referred to in the Policy as Housing Associations).

The above includes Affordable Rent properties and Flexible (i.e. fixed term) tenancies.

For details of lettings not covered by the policy see appendix 1.1

### **The key aims and objectives set for the Policy**

The key aims and objectives adopted for the Policy are:

1. A Policy that meets the legal requirements placed on each Cumbrian Council, namely to give appropriate priority to applicants who fall within the Housing Act “reasonable preference” categories
2. To ensure there is a social housing lettings service that embraces equality and diversity by being open and fully accessible to all individuals.
3. To improve the means by which local people in Cumbria gain access to social rented housing by providing a modern and easy to understand allocation system which offers realistic choices.
4. A Policy that is simple to understand and use, is transparent and is seen as fair by the general public and applicants
5. To support the objective of making the best use of the social housing stock in Cumbria, and to support mobility across Cumbria especially where residents need to access to employment.
6. A Policy that contributes to creating balanced and sustainable communities, and helps attract new customers to areas of low demand thereby reducing void times on any ‘harder to let’ properties.

### **Making changes to the Policy**

Any major change to the Policy can only be made after a copy of the proposed amendments have been consulted on by sending to every Registered Provider Housing Association in Cumbria, regardless of whether an association is a participating member of the CCP. (Section s166A (13) Housing Act 1996).

All major changes must first, be agreed by the CCP Partnership Board who will make recommendations that will then be considered:

- a) By each of the 6 Cumbrian Councils, and
- b) By each participating Partner Housing Association.

Details of how major changes will be considered by each of the 6 Cumbrian Councils are set out in appendix 9.

For minor changes to the policy or the operational procedures, decisions will be delegated to the CCP Board who will consult with the lead officer responsible for housing in each Council, (or their delegated officer), and with the Chief Executive for each CCP Partner Housing Association (or their delegated officer).

All major changes to the policy will be notified to those it may affect within a reasonable period of time.

## **General Data Protection Regulations 2018**

We will ensure for any person on the housing register their information is stored lawfully and we act in a fair and transparent way in processing their data. We will only collect data that is specific, explicit and legitimate for the purpose of the application and lettings processes set out in this policy. The data will be kept up to date and not held unnecessarily or without appropriate security measures in place. Information will only be shared with other organisations or individuals in order to legitimately assess and progress a person's housing, for the prevention of fraud or with the person's explicit consent.

An applicant's permission to share their personal information is a qualification condition of being accepted onto the CCP housing register.

Appendix 1.2 sets out the details for how the scheme will apply:

- 1) The General Data Protection Regulations 2018
- 2) The 'Privacy Notice' for the policy, and
- 3) An applicant's right to information

## **Equality, accessibility and monitoring**

The CCP is committed to ensuring that the Policy and the implementation of all associated guidance and procedures are non-discriminatory and that all applicants are able to access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; and for Children, Section 11 of the Children Act.

To identify the needs of our applicants the application contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability and other relevant criteria. The information obtained will be used to monitor the impact of the policy on minority and specific needs groups and to evidence the need for amendments, as may be required.

Under the Equality Act 2010 and in particular section 149 of the Public Sector Equality Duty, Councils are required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, when exercising a public function such as their legal Housing Allocation Policy.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The CCP will ensure that the policy complies with the current equality legislation and with all relevant statutory codes and guidance. The new policy has been subject to a full, detailed 'Equality Impact Audit' before it has been adopted (see

appendix 10). This EIA will be regularly reviewed as more monitoring information regarding the impact of the policy is obtained.

The outcomes for applicants identified as having specific needs or who meet the definition of a protected characteristic under the Equality Act will be monitored regarding the outcomes for applications to join the register and offers of social housing.

The CCP will monitor the policy and outcomes to ensure that it is meeting all legal requirements and that the aims and objectives set for the policy are being met. Monitoring will be used to ensure that:

- Those in the 'reasonable preference' categories are given priority for housing
- The Policy is complying with its Equality Act duties
- There is overall customer satisfaction with the scheme

## **Complaints**

Complaints are separate to the circumstances where an applicant wishes to seek a review of a decision made on their application. Such a request should be made under the review procedure set out in section 4 and not through the complaints procedure.

Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made using the complaints procedure for the Cumbrian District Council where they currently live. A copy of the current complaints procedure for each of the 6 Councils is available on their websites.

Complaints regarding the handling of an application by a partner Housing Association should be made through that Association's complaints procedure which will be detailed on the Association's website.

Where a complaint relates to how an applicant has been dealt with under this policy an applicant has the right to continue with their complaint to the Local Government Ombudsman Service if they are unhappy with the response to their complaint.

The Local Government Ombudsman is an independent service run by Central Government to make sure that Councils provide the required standard of service to their customers.

The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what has been done simply because someone did not agree with it.

The Ombudsman will normally deal with a complaint if a customer feels they have been treated unfairly as a result of maladministration.

For example, if a Council has:

- Delayed taking action without good reason

- Taken into account facts which are not relevant or ignored facts which are relevant
- Not followed their own rules or complied with the law
- Not taken action that they had promised to
- Given a customer the wrong information
- Not reached a decision in the correct way

The Ombudsman will not normally investigate a complaint:

- ✓ Until a Council has had the opportunity to review its decision (normally by accessing the complaints process), or
- ✓ If it is a matter which has been, are, or could be dealt with by the courts or an internal review procedure
- ✓ If it was a matter which the applicant was aware of more than twelve months before making the complaint

All complaints to the Ombudsman must be in writing. Applicants can request assistance from their local Councilor or ask an advocate to write on their behalf. The contact details for the Local Government Ombudsman are:

Local Government Ombudsman

PO Box 4771

Coventry CV4 0EH

Tel: 0300 061 0614.

You can also text 'call back' to 0762 480 3014.

Fax: 024 7682 0001

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

### **Statement on Choice**

One of the key objectives of the Policy is to, as far as possible, give choice to applicants who wish to obtain social housing. This is why the CCP has taken the decision to operate the Policy through a 'choice based lettings' system (CBL). The aim being to give applicants the best possible choice over where they wish to live.

For all applicants who are eligible to be registered, they should be able to express a preference over any area that they would like to live in and the type of property they would prefer. However, the ability to satisfy that preference might be limited.

The housing pressures faced limit the degree of choice that can be offered, along with the responsibility the 6 Cumbria District Councils have to offer housing to applicants in urgent housing need, including the need to reduce the financial impact of temporary accommodation on a Council. As a result of housing pressures there is a limit on the degree of choice that can be offered. The district councils have to offer housing to applicants in urgent housing need, this reduces the financial impact of providing temporary accommodation on that Council.

Expressing a preference over where an applicant would prefer to live does not mean that preference can be met, nor prevent an applicant being offered suitable accommodation outside of their preferred area.

Any applicant will be asked to state any area where they believe they cannot live due to fear of violence, harassment or domestic abuse. The assessment will then consider the facts and decide whether the applicant can be allowed to restrict those areas.

### **The key policies on choice explained**

#### **A) When the CCP may make a direct offer outside of the choice based letting (CBL) system and, in exceptional circumstances, outside of the CBL band and date order system**

Not all properties that become available will be advertised and offered through the Choice Based Lettings (CBL) system. There may be circumstances where for urgent operational or financial reasons there is a need to make a direct offer of housing outside the CBL and, in exceptional circumstances, outside of the band and date order criteria set out in this policy.

Specifically, this would be where there are urgent operational or financial reasons. Examples include but are not limited to:

- 1) Situations where urgent re-housing is required due to an applicants existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed or in discharge of a statutory homelessness duty.
- 2) Urgent housing need situations where it would not be reasonable in the circumstances to wait for the Choice Based Lettings process to produce an offer.
- 3) Where there is an evidenced threat to life in the area in which an applicant currently lives.
- 4) Tenants of a CCP Partner in emergency cases whose homes are damaged by fire, flood or other disaster
- 5) To facilitate a three way (or greater) mutual exchange. Mutual exchanges are not an allocation, but when it would make best use of its housing stock and support the needs of the tenants involved, the CCP may make available a property for a three-way exchange
- 6) Direct offers to persons who the council has a duty to rehouse under section 39 of the Land Compensation Act 1973.
- 7) Direct offers in order to meet an annual lettings plan in the circumstances where a decision has been taken to adopt an annual lettings plan.
- 8) Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty a Partner Council may wish to implement a short term scheme to make direct lettings for a period of time to move applicants out of temporary accommodation, in order to manage any budgetary or legal impact. The CCP Board should be informed so that they can monitor to ensure that any scheme does not

undermine the key objective, which is to ensure that direct lets do not form more than 15% of all lettings.

- 9) If an applicant is not being realistic in the areas they are bidding for accommodation, and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant.
- 10) Where a vacant adapted property or a property designed to disability standards becomes available and there may be a need to offer that property to an applicant whose disability need best matches that property, regardless of the date they were registered.
- 11) Where the assessment is that it is inappropriate for the applicant to participate in Choice Based Lettings. For example, vulnerable applicants nominated by Adult Social Care where work is on-going with social workers and care managers to decide on the best letting solution for that applicant.
- 12) Other examples include cases where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA), or presents a risk to themselves or others

Furthermore, we may decide to restrict the time an applicant is able to bid for accommodation in an area where they would prefer to live. An offer of accommodation may be made in any area that has been assessed as being suitable and safe for the applicant to live in.

We will provide information about the number and types of homes, and current vacancy rates, to help applicants to make informed choices. The more flexible applicants are in their choice of areas and property types, the sooner they are likely to be successful in being offered a property that meets their need.

The number of direct offers will be monitored and should add up to no more than 15% of all lettings annually made under the scheme. This is to preserve Choice Based Lettings as the primary method of letting social housing properties in Cumbria.

### **B) Penalty for refusing a set number of offers**

Any applicant in Bands A or B who refuses 3 reasonable offers within a 12-month period will have their application placed into Band C for up to 12 months. This is to tackle the problem of applicants making unlimited bids that may result in higher refusal rates with resulting extended re-letting periods.

Criteria setting out what will be considered to be, and not be, a reasonable offer is set out in Appendix 4. A refusal of an offer of the correct size and type will normally be considered unreasonable.

### **C) Offers of accommodation made to any applicant owed any statutory homelessness duty under Part 7 of the Housing Act 1996**

Specifically, for applicants owed the section 189B(2) 'relief of homelessness' duty, or the 'main homelessness duty' under section 193(2) of the Housing Act 1996 Part 7, the need to offer suitable housing may be considered more important than the need for the applicant to wait for an offer of accommodation in a location where they would prefer to live in.

If an applicant owed any of the statutory homelessness duties set out below refuses a written offer of suitable social housing accommodation made through this policy, then the duty owed to them will be discharged and they will lose any priority status afforded to them because of that homeless duty owed.

Applicants owed a statutory homeless duty will be identified through the IT system at the shortlisting stage. On identification of a suitable property the RP and LA partners will agree the a process for ensuring the a 'final offer warning letter' will be sent to the homeless applicant owed a statutory homelessness duty set out below. This will normally be to inform the relevant local authority Housing options Team that an offer is to made so they can send out a 'final offer warning letter'

In these circumstances unless they have another reason to be awarded a statutory housing need Band A or B under this policy, they will be placed into Band C. The offer they have refused will count as the first offer out of the 3 offers allowed within the 12 months period. They will no longer be owed any banding award for being owed a statutory homelessness duty, as that duty would have been brought to an end when they refused a suitable offer of social housing.

A statutory homeless duty is defined as:

- a) The prevention of homelessness duty under Section 195(2)
- b) The 'relief of homelessness duty under Section 189B(2)
- c) Where the relief duty has come to an end and an applicant is then owed a section 190 Intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty),
- d) The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty

For operational guidance notes:

Note 1: Where it has been decided to refer the case to another authority at either the 'Relief Stage' or at the 'Main Duty stage' of their homeless application, an applicant will not receive any banding for being owed any homelessness duty as the Council will owe no duty (other than, depending on the circumstances) an interim accommodation duty. Being owed an interim accommodation duty pending the outcome of a local connection referral does not qualify an applicant to be owed a banding A or B

Note 2: Where a Cumbria District Council has ended any statutory homeless duty and is exercising its power to provide accommodation pending a review decision (section 188(3) power) no statutory duty will be owed by the Council unless the outcome of any review is favourable for the applicant. Therefore where a review has been requested any banding priority for being owed any of the homelessness duties will be removed.

## **D) Where applicants in Band A have not bid within 3 months of being awarded Band A**

Band A is an award of additional preference based on an applicant's very urgent need to be housed. The need to house someone urgently will be undermined if an applicant fails to bid because they may, for example, be waiting for the 'perfect property' to become available.

Therefore an award of Band A will be reviewed after 3 months for any applicant who has not bid, or where the view is that bids have been made but are not realistic.

The review after 3 months could result in a decision that:

- a) The Band A award should continue with further reviews scheduled for every 3 months, or
- b) The Band A award should be removed with the applicant losing additional preference and being placed into Band B, or
- c) That a direct offer should be made as soon as possible due to the urgent need for the applicant to move.

Note: There may be circumstances where no suitable properties have become available for an applicant to bid on within the 3-month period. In these circumstances an applicant will not have Band A removed and will continue to be able to bid. However, in recognition of their urgent need to move it may be agreed with the relevant local authority to make a direct offer for any property that is assessed as suitable to meet their urgent housing need.



## **Section 2: Who can apply to the Housing Register and the criteria for assessing who is eligible to be included**

The CCP Housing Register is a single list of applicants across Cumbria who qualifies to be included on the scheme. It includes new applicants and existing social housing tenants living in Cumbria who are seeking a transfer.

Anyone over the age of 16 is eligible to join the Housing Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.

If an applicant is under 18 years of age they will not normally be offered a tenancy. This does not apply to young people living in a foster home or in residential care provided by Social Services for whom re-housing under the Children Act has been agreed and who are within 6 months of their 18th birthday. There is an agreed protocol between the Housing and Social Services departments covering housing for applicants who are looked after, or were formerly looked after.

Any offer to an applicant who is under the age of 18 will only be made after their ability to manage a tenancy has been fully assessed. This assessment is to make sure that they can cope with being a tenant at a young age and that they do not risk losing that tenancy offered through a lack of support.

If a person who is 16 or 17 is granted a tenancy, this will be held in trust until they reach 18. This means that another suitable person (such as a parent, legal guardian, social worker or relative) will be responsible for the tenancy.

### **The eligibility persons from abroad qualification rules**

Everyone can apply to join the register but there are some groups of people who by law cannot join the register, regardless of their housing need or circumstances. These are people who:

- Come under the Government's 'persons from abroad' eligibility rules and cannot lawfully be given housing help;
- Do not live habitually in the Common Travel Area (UK, Channel Islands, the Isle of Man or the Republic of Ireland);
- Do not have the right to live in the UK;
- Plus other categories of people who the Government may in the future, decide are not eligible for housing assistance.

Under sections 160ZA (1), (2) and (4) of the Housing Act 1996 the CCP cannot allocate a tenancy, or nominate a person for housing, if they are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control or a person from abroad who is prescribed as ineligible.

The relevant regulations that apply to eligibility are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)

The rules are complicated and anyone who is impacted or believe they may be impacted can approach any CCP Partner for advice, or seek independent legal advice.

The rules will change from 2021 due to the UK's exit from the EU and new regulations regarding eligibility for housing based on the EU settlement scheme. This policy will be amended to take into account any new rules.

### **The qualification rules adopted under the Policy**

In addition to the Government's 'persons from abroad' rules setting out when a person is ineligible for an allocation of housing accommodation the housing laws allow for the CCP to define in the Policy who will be regarded as 'qualifying persons' (section 160ZA).

What this means is that under section 160ZA(7) is that the Policy can set out classes of people who are, or are not, qualifying persons. A number of qualification rules have been adopted by the CCP. There are also a number of defined exceptions to all, or an individual qualification rule. The qualification rules and exceptions are set out below.

#### **Qualification Rule 1: Local Connection**

Only those applicants with a local connection to Cumbria and who also have an assessed statutory housing need, as defined by this policy, are eligible to be included for the statutory reasonable preference housing needs Bands A and B. The local connection rules do not prevent an applicant from being awarded Band C as long as they meet the other qualification rules set, for example – as long as they are not disqualified through the unacceptable behavior rule.

There will be some properties advertised that may be subject to additional local connection requirements however, these will be clearly stated in the advert where this is the case. A local connection is defined as:

- a) Have lived within any area of Cumbria for the past year, or for 3 years in the last 5 and that residence was of their choice.
- b) Have immediate family (mother, father, brother, sister, son, daughter) who are currently living in Cumbria and have done so for at least the last 3 years
- c) Are employed in permanent employment in Cumbria. Employment is defined as paid employment for 16 hours or more per week for a period of one year, or self-employment where an applicant can demonstrate that the self-employed work they perform is in the Cumbria area and is on average 16 hours a week or more. The employment must be based on their actual place of work in the area and not based on a head office or regional office situated in the area but from which the applicant does not work. Where working hours

fluctuate i.e. casual or zero hours contract, an average will be taken over the last three months, or

- d) Have close family (normally mother, father, brother, sister, son or daughter) that have lived in Cumbria for a minimum of the past 3 years. We will consider whether there are exceptional circumstances where other family members may be considered as close. For example, the circumstances where an extended family member brought up a person in the absence of their own parents.
- e) Where there is an exceptional need to move to the area as determined for very special circumstances.

For the purposes of determining local connection for residence in Cumbria, this will include:

- 1) Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch where it is demonstrated that this their permanent place of residence and can be evidenced through paying council tax.
- 2) People who are forced to sleep rough in Cumbria if they meet the qualification period for residency.

The exemptions to the residency qualification rule are:

- 1) An applicant is homeless and a Cumbrian Council has accepted the section 189B 'relief of homelessness duty or the main section 193(2) housing duty under the Housing Act 1996, and they are not intending to refer the applicant to another Council under the homelessness local connection rules.
- 2) A Cumbria District Council has placed an applicant into temporary accommodation outside of Cumbria.
- 3) Where there are significant and special circumstances requiring a move into Cumbria. This will be decided on a case-by-case basis following a request from the applicant or from the information submitted on their housing register application. Examples include:
  - a) Reasons of safety; i.e. when an applicant is fleeing domestic abuse or hate crime from another area, or
  - b) Is on a witness protection programme and the CCP have agreed that there is an essential reason why they need to move to Cumbria
- 4) Applicants who are leaving an institution such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme that is not in Cumbria and the applicant was resident in Cumbria for one year one year immediately preceding residency in an institution, or 3 out of the last 5 years immediately before they were accommodated in that institution.
- 5) The CCP will consider any application from a gypsy or traveller household where the applicant may not meet the continuous period of residence rule, as the period may have been broken by travelling. The CCP will consider the facts of each case when deciding whether the rule should be waived.

- 6) Care Leavers below the age of 25 years who are, or were, owed a duty under section 23C of the Children Act 1989 by Cumbria County Council and have been looked after in accommodation outside of Cumbria. This will include care leavers who are still receiving after care support from Children's Service until they are 25, and some care leavers who are in full-time education who wish to move back to Cumbria on completion of their education.
- 7) Applicants that satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012. These are:
  - a) Applicants who are serving members of the regular armed forces
  - b) Applicants who served in the regular armed forces within the 5 years immediately prior to the date of their application
  - c) Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service
  - d) Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner.
- 8) Applicants who satisfy the right to move criteria. The Right to Move qualification regulations 20155 states that Local Connection criteria must not be applied to existing social tenants who seek to move from another Council district in England and who have a need to move for work related reasons to avoid hardship.

To qualify the applicant must:

- Be social housing tenant living in England
- Wish to join the Housing Register in Cumbria due to work related reasons to avoid hardship are able to do so provided that they can provide evidence to that effect that is accepted.
- Satisfy the criteria that the tenant needs, rather than wishes to move for work related reasons and if they were unable to do so would result in hardship.

### **Qualification rule 2: The requirement to give permission to obtain and share an applicant's personal information**

This is a condition of being accepted onto the housing register and applies to the applicant, or any member of the applicant's household.

### **Qualification rule 3: Homeownership, or legal interest in homeownership**

An applicant cannot qualify for Bands A or B of the housing register (see section on exemptions) if they own a residential property in the UK or elsewhere, including freehold, leasehold, joint ownership or shared ownership (applicants who have been the owner of a residential property within the last 5 years will be required to provide proof of the proceeds from the sale and of the disposal of the proceeds). This includes properties owned and rented out to other persons and or properties in other countries. However, applicants will be able to qualify for Band C.

Applicants who own or part own accommodation, or who have a legal interest in home ownership (for example through marriage or civil partnership in accommodation owned by their spouse or civil partner) also do not qualify.

However, if as a result of a divorce settlement a Court has ordered that an applicant may not reside in the former matrimonial or civil partnership home in which they still have a legal interest for a period which is likely to exceed 5 years, then the Applicant will be treated as if they do not own, or part own accommodation.

#### **Qualification rule 4: Financial resources**

Applicants who are considered to have sufficient financial resources to buy suitable accommodation in Cumbria will not qualify for Bands A or B but can qualify for Band C. 'Sufficient financial resources' are defined as sufficient capital to buy or rent privately; or sufficient income to raise a mortgage to buy or rent privately; or a combination of both. The income and savings limits are:

- 1) Applicants (both single persons and couples) who have total savings, investments and/or assets of £25,000 or more.
- 2) Applicants whose total gross household income from all sources exceeds an annual income of £45,000 or more (for single persons) or joint income of £60,000 or more (for couples).

'Sufficient financial resources' includes any assets or investments even if they are not immediately available to the applicant, such as any residential or non-residential property that they own or part own anywhere in the UK or abroad.

Any lump sum received by a member of the armed forces as compensation for an injury or disability on active service will be disregarded.

Although this qualification rule will mean an applicant cannot be granted the statutory housing needs bands A or B, it does not prevent them being considered for any low cost home ownership schemes, such as rent to buy, shared ownership/equity, discounted market sale and starter homes or lower demand properties. Information can be given on request regarding which Housing Associations or developers are currently operating any of the above schemes and how applications can be made.

Applicants who do not qualify for Bands A or B under the homeownership, legal interest or financial resources rules may be considered as an exception if:

- a) They own or part own accommodation or have a legal interest in accommodation or have financial resources above the thresholds and
- b) They have a substantial disability; and their current home is not suitable for their specific needs.

This exemption is intended to cover situations where a person owns their own home but where it is agreed that they are no longer able to manage in it due to their advancing years, or due to developing a substantial disability that makes living in their home impracticable. This would be the circumstances where selling

up is unlikely to provide sufficient funds for the applicant to purchase alternative accommodation that would be suitable for their disability needs.

### **Qualification rule 5: Failure to Bid**

This is a disqualification rule that will be applied to applicants who are included on the Housing Register.

The CCP will monitor the bidding patterns to identify applicants who fail to bid and identify any applicants where their failure to bid could be the result of a vulnerability and not being able to understand the bidding system. In these circumstances the rule will not be applied.

Any applicant who has failed to bid for more than twelve months will be removed from the Housing Register to reduce the administrative burden of maintaining the register. This is based on the assumption that an applicant who has not bid for accommodation in 12 months is unlikely to continue to be in housing need. Any applicant removed from the register can reapply if they have a housing need.

If an applicant has only registered because they are interested in bidding for accommodation for a new section 106 rural developments that may be being built, this will be considered as an exception to the 'no bid in 12 months' rule.

### **Qualification rule 6: Fraud or giving False Information**

Applicants who are found to have withheld or given false information may be removed from the register and will not be able to reapply for a period of 12 months. Decisions to remove the person from the register will be made based on the seriousness of the false information given, or an assessment of why important information was withheld.

For details on how we will assess the question of alleged fraud or false information see appendix 1.3

### **Qualification rule 7: Circumstances where an applicant has current or former social housing rent arrears or another relevant recoverable housing related debt.**

This section sets out the rules for when an applicant

- a) Will not be allowed to qualify for the Housing Register because of rent arrears or a housing related debt, or
- b) Will be allowed to qualify but will not be allowed to bid for properties advertised until the rent arrears or housing related debt have been resolved to the satisfaction of the CCP using the criteria set out below.

When carrying out an assessment, we will take into consideration all housing related debts, associated with either a current or former tenancy where this relates to any social housing provider in the UK. Note the rules in this section apply only to social housing former or current rent arrears, occupation of

temporary accommodation debts, and some other forms of housing related debt. This section does not cover any rent arrears for a private sector tenancy or licence. This is covered under the unacceptable behaviour rules set out in Qualification rule 8 below.

Note: the definition of a housing debt will not include debts that are statute barred. The debt will be considered statute barred where an applicant, or their representative or someone else they held the account with hasn't:

- Made a payment in the last 6 years
- Written to the creditor acknowledging the debt in the last 6 years
- Had a county court judgement (CCJ) relating to the debt in the last 6 years

For the purposes of this qualification rule housing related debts include:

- a) Current or former tenancy rent arrears of a social housing tenancy;
- b) Outstanding re-chargeable repairs;
- c) Current and former housing related service charge arrears;
- d) Bed and breakfast or other temporary accommodation charge arrears for a licence or a tenancy
- e) Housing benefit overpayments for a social housing tenancy;
- f) Failing to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt for a social housing tenancy or temporary accommodation
- g) Any court costs associated with any of the above debts

Housing related debts apply to both the applicant and to any members of their household that are included in the application.

The purpose of this qualification rule is two fold.

- 1) To ensure any debt to a former landlord is recovered and
- 2) To focus on whether an applicant's history creates a risk of future non-payment, rather than simply on the existence of a current outstanding debt.

The following framework will be used to guide officers to apply this qualification rule. We will consider:

- Whether the applicant still owes that debt, and if they do, the extent of the arrears/debt and whether it is a recoverable debt or a statute barred debt.
- Whether there possible exceptional circumstances that need to be considered.
- Whether the claimant has taken debt advice acted on it, and entered into and begun to implement any arrangement to clear the arrears/debt.
- If an arrangement has been made, the amount of arrears/debt paid off, any amount outstanding, and the regularity of any payments made.

After applying the above procedure it may be decided that the applicant does not qualify for the housing register or that they will be allowed to qualify, but not allowed to bid for advertised properties until the matter has been resolved to the satisfaction of the CCP.

There is no time limit regarding when a person can make a new application following disqualification. Where a new application is made we will assess whether the applicant has taken appropriate action to address the debt. When disqualified the applicant will have been informed of the steps they need to take to resolve the debt in order to qualify.

### **How decisions for applicants with a social housing debt will be made**

#### **a) Applicants with debts of £1,000 or more who have not made any arrangement to address the debt**

Applicants with debts of £1000 or more who have not made any arrangement to address the debt should be ineligible to join the register unless the circumstances surrounding the debt are exceptional and the assessment concludes that there is no real risk of future non-payment.

#### **b) Applicants with debts of £1,000 or more who have made any arrangement to address the debt**

Applicants will be permitted to join the register and be able to bid for accommodation if they have maintained a payment arrangement for at least 13 weeks and have either:

- Repaid at least £750; or
- Repaid at least 25% of their original debt

Applicants who satisfy the above will be permitted to bid for properties. All partner landlords are encouraged to abide by these guidelines and to accept bids on this basis. It is however, accepted that the housing association to whom the debt is owed may wish to see that a longer period of repayment should be kept to. Where this is the case the period should not be more than a further 13-39 weeks in addition to the 13-week period that the applicant has already paid. Any requirement by the partner to whom the debt is owed for payments to be maintained for more than 13 weeks should not prevent an applicant from bidding for properties advertised by another housing association partner.

All partner landlords are discouraged from requiring a debt of £1000 plus to be paid in full. This disincentives applicants from making any attempt at payment and may result in an applicant having to demonstrate an extended repayment period of several years before they can be considered for accommodation. This would be unfair on applicant's who have demonstrated a commitment to pay off the debt and that the risk of any further debt for a new tenancy is low. It also makes it more likely that the housing association is unable to recover the debt.

#### **c) Applicants with debts of £1-£499**

Applicants with debts of £1-£499 should be eligible to join the register and eligible to bid, unless there is clear evidence of a future risk of non-payment. Clear evidence of a future risk could include factors such as:

- a) A long history of housing debt;
- b) A long history of poor rent payments; and
- c) A long history of breached payment arrangements.

Where such evidence exists the applicant should be unable to bid until there is evidence of rehabilitation. Evidence of rehabilitation could include factors such as:

- a) Maintaining a payment arrangement for 1-8 weeks;
- b) Demonstrating that the causes of the previous problems have been addressed.

#### **d) Applicants with debts of £500-£999**

Applicants with debts of £500-£999 should be eligible to join the register but ineligible to bid, unless the applicant can demonstrate there is no real risk of future non-payment.

Evidence there is a no real risk of future non-payment could include factors such as:

- a) A history of not having housing debts;
- b) A history of regular rent payments; and
- c) A history of maintained payment arrangements.

Where no such evidence exists the applicant should be unable to bid until there is evidence of rehabilitation. Evidence of rehabilitation could include factors such as:

- a) Maintaining a payment arrangement for 8-26 weeks;
- b) Reducing the debt to below £500 (in which case the above rules at c would apply)
- c) Demonstrating that the causes of the previous problems have been addressed.

Applicants who are disqualified for a housing related debt of £1,000+ should notify the CCP immediately when they have either repaid at least £750 or repaid at least 25% of their original debt so they can qualify for the register. If it is agreed that the matter has been resolved and they can register, their effective date will be the date they have been assessed as qualifying for the register and will not be the date of their first application which resulted in the decision that they do not qualify.

The only exceptions to this qualification rule are applicants who can demonstrate that their circumstances are exceptional and that they would face serious hardship or risk through not being allowed to qualify. An exception may be considered where for example an applicant has a good payment history with a debt resulting from a one off incident or problem such as relating to Universal Credit, or benefits reforms, or where a tenant had to flee domestic abuse and a subsequent debt built up for their tenancy.

Additional procedural information on the consideration of exceptional circumstances and how applications where there is a 'Debt Relief Order', 'Bankruptcy Declaration' or 'Individual Voluntary Agreement (IVA)' are set out in appendix 1.4

#### **Qualification rule 8: Serious unacceptable behaviour**

This will apply where an applicant, or any member of their current or prospective household, has a history of serious unacceptable behaviour that, in the view of the CCP, makes them unsuitable to be a tenant. It is important to note that whether an applicant's behavior means that they are not allowed to register is entirely a matter for the CCP and that the qualification rule is not restricted to whether the unacceptable behavior would entitle the Council to an outright Possession Order if the applicant were to be a tenant. This was the 'threshold test' set by the legislation for Housing Allocation Policies until the Localism Act was implemented in 2012. Since 2012 the legislation allows qualification for unacceptable behavior to be defined through the rules adopted in any new Housing Allocation Policy.

In applying this qualification rule the CCP will decide on the facts of the case whether:

- a) The applicant should not qualify to be included on the Housing Register due to their (or household member's) serious unacceptable behaviour, or
- b) Will be allowed to qualify but will not be allowed to bid until the applicant (or household member) has demonstrated to the satisfaction of the assessing officer that their behavior has changed.

In the circumstances described by b) the applicant will be placed in the band that reflects their housing need and will continue to accrue 'time' on the register for the band awarded, despite not being able to bid. Once they have resolved their unacceptable behavior their date within the Band will remain the date they were awarded that band for their housing need and will not be the date they resolved the unacceptable behavior to the satisfaction of the CCP.

The rule of non-qualification, or qualification but being unable to bid, will apply where the CCP is satisfied that an applicant (or a member of their current or prospective household) has:

- 1) Demonstrated a serious failure to adhere to the terms of any current or previous social housing or private rented sector tenancy agreement. This includes failing to maintain any previous social rented or private sector rented property within the terms of their tenancy agreement, or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality of where they live or where they previously have lived. Non-qualification will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the CCP, that circumstances have changed such that the previous conduct is unlikely to reoccur. In many cases this could include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour.
- 2) Conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behavior that does not only relate to a previous social housing or private rented sector tenancy agreement but conduct or behaviour that the CCP has assessed is still current. This includes where an applicant or a member of their current or prospective household is the subject of actions being taken by a Council (or some other recognised body) on grounds of alleged Anti Social Behaviour (ASB).
- 3) Rent arrears for their last private rented tenancy where the CCP has been able to obtain information that confirms on the balance of probabilities a debt

is owed. If there is a debt owed it will be for the assessing officer to decide on the level and debt and any facts gathered regarding the level of debt and the reasons for it whether the applicant should be classified as a non qualifying case or, should be allowed to qualify but prevented from bidding until the debt is resolved, or should be allowed to qualify with no penalty applied.

- 4) Circumstances where the applicant, or any member of their household, has assaulted a member of staff, whether or not an injunction is being sought or has already been obtained

Additional guidance for assessing officers and the framework to be used to apply the test of unacceptable behaviour are set out in appendix 1.5

### **Qualification rule 9 – Existing CCP Tenants who are not assessed as Band A or B for having a statutory housing need.**

Existing tenants of any Council or Housing Association located in Cumbria or outside of Cumbria will only be allowed to qualify for the Housing Register if they have an assessed housing need that would qualify them for Bands A or B.

This does not prevent a tenant who is not in housing need from seeking a transfer through the 'Mutual Exchange Scheme'.

### **How exceptional circumstances will be considered for any of the qualification rules**

The CCP retains the ability, in exceptional circumstances, to exercise its discretion when applying any of the qualification rules. Note, it is for the applicant to request that discretion should be applied for exceptional circumstances and once requested this will be considered by a senior housing operational manager from the Council normally for the Council area where the applicant has applied from. A request for a review of a decision that an applicant does not meet the qualification rule will be taken as a request for any exceptional circumstances to be considered. The delegated responsible manager for each assessing organisation will consider:

- 1) Whether the application would result in the applicant being awarded a statutory housing need reasonable preference Band A or B under the Policy, and if so
- 2) Whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that the qualification rule should be waived.

They will assess the case for exceptional circumstances and will record all decisions reached along with full reasons for that decision. The applicant will receive a written decision with the reasons set out.

Please note 1: that the CCP cannot waive the eligibility rules for any applicant who is not allowed to access social housing under the 'person from abroad' legal eligibility rules set by Central Government.

Please note 2: In deciding whether an applicant's circumstances are exceptional we will fully consider the Equality Act 2010 and Children Act 2004. For the Equality Act we will specifically consider:

- a) Whether the person, or a member of their household that they wish to be housed with them, meets the definition for one or more of the 9 protected characteristics in listed in the Equality Act 2010
- b) If we agree that the applicant or a member of their household comes under the definition for a protected characteristic the CCP will fully comply with section 149 of 2010 Equality Act and ensure that it has obtained all relevant information relating to the applicant's protected characteristic and will consider that if they were not able to qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with the protected characteristic, and
- c) Ensure that any decision that the applicant's circumstances are not exceptional will be a decision that is a proportionate means of achieving the legitimate aims set out in this policy in section 1.

## Section 3: Applying to join the Housing Register

### How to apply

Applications should be made online by accessing the housing allocations section of the Cumbria Choice website and completing the on-line application form - <https://www.cumbriachoice.org.uk/Data/ASPPages/1/38.aspx>

An applicant will be asked to choose one housing organisation to administer their application. This can be the local authority for where they are resident or a housing association partner. If the applicant is a tenant of a 'Cumbria Choice' partner their application must be administered by that housing association. If they are a former tenant of a 'Cumbria Choice' partner, that partner must administer their application.

Applicants can call any of the CCP Council or Housing Association Partners if they need help to make their application on-line. There is also free access to the Internet at libraries, Council offices, Housing Association Offices and at some community facilities. A telephone or office appointment can be offered when an applicant has no access to the Internet or is unable to use the Internet. To mitigate any impact it is agreed that paper forms will still be available in exceptional circumstances where it is agreed an applicant is unable to complete an on-line form.

The Cumbria Choice website contains a list of all of the supporting documents that an applicant must provide in order to progress their application. In most circumstances an applicant will be able to upload their documents.

Where the applicant indicates that they have medical problems they will also be requested to complete an additional medical assessment form on-line.

Once the on-line application has been received there may be a need for additional information. If so applicants will receive a phone call, email or letter setting out the details for any additional information needed.

Prisoners can register in the 6-month period prior to their date of release. They are able to express an interest in a property in the 2-week period prior to release but must be able to accept the tenancy on the date required by the housing provider.

If accepted onto the register, applicants will be informed of:

- 1) The band they have been placed in (this determines priority)
- 2) The date of application (may be used to determine priority within the band allocated)
- 3) The size and type of properties for which they can bid
- 4) Their application reference number (applicants will need this to bid)
- 5) How to appeal against their banding if they think it is wrong.

They will also receive a user guide. This will inform them about how the scheme works and will include such information as:

- Where to look for advertised properties;
- How to bid for a property
- What checks are made before any offer is confirmed?
- Feedback on their bid

### **Where a band is allocated what date will this be from?**

The band start date is the date that the housing register application was received for assessment, unless an applicant's housing need and/or circumstances changes and they are as a result placed in a higher band. In these circumstances they will have their band start date reset as the higher band reflects how long they have had the higher level of housing need.

Note for eligible homeless applicants who meet the qualification rules to join the Housing Register the following will apply with regard to their Band start date:

- a) Owed a section 195(2) Prevention of homelessness duty – Band date is the date the duty was owed and not the date of the homelessness application
- b) Owed a section 189B (2) Relief of homelessness duty – Band date is the date the duty was owed and not the date of the homelessness application
- c) Owed the Main section 193(2) duty – Band date is the date the Relief of homelessness duty was owed and not the date the Main duty was owed. To start the date at the date the Main duty was owed would disadvantage an applicant by 56 days who has been found to be in priority need and unintentionally homeless
- d) Circumstances where the relief duty has ended and the applicant is assessed at this point as not being in priority need - Band date is the date the Relief of homelessness duty was owed and not the date the Relief duty is ended and the non-priority decision confirmed. To start the date at the date the Relief duty was brought to an end would disadvantage an applicant by 56 days who has been found to be homeless but not in priority need

### **Assessing Applications**

In order to assess an applicant's housing need and therefore their place on the Housing Register the scheme uses a needs based banding system detailed in section 4 below.

The Bands are awarded to reflect housing need, whereby the need reflected by the highest Band indicates the greater need for housing.

Applicants will be required to sign a declaration, or to give informed consent, to:

- a) Confirm that the information given is correct and that they will notify the CCP of any change in their circumstances.
- b) Give consent to allow enquiries to be made concerning their eligibility for housing and level of priority.
- c) Give consent to allow information to be provided to other partner organisations that are part of the scheme.

It is the responsibility of the applicant to provide all the information requested to assess their circumstances, and to provide any supporting information or documents that are requested. Incomplete applications will not be made active until such time as the CCP is satisfied that it has in its possession all of the information it requires to complete its assessment.

All incomplete applications will be cancelled after a period of 28 days measured from the date information has been requested and not provided. If canceled this does not prevent the applicant making a subsequent application at a later date, although in such cases the effective date of registration would not be backdated to the earlier application date.

The CCP may request information or a reference from an applicant's current or previous social landlord and may, depending on whether the application gives rise to any concern, request a reference from the most recent private sector landlord if the applicant is or has been a private sector tenancy.

Where a landlord does not reply a reminder will be sent, and if still not forthcoming any other information or records available will be checked to try to determine whether there have been any concerns over the way an applicant may have conducted their private rented tenancy. An applicant should not be disadvantaged if, despite every effort, it is not possible to obtain a reference from their current or previous landlord.

All applications are subject to certain verification checks and may be reassessed:

- At the point of initial application
- Following any change of circumstance notified to the CCP by the applicant
- Following any routine validation audits
- Following an annual review of the application
- At the point of an offer of accommodation
- At the point of letting

### **Checks into any court cases or unspent criminal convictions**

In the interests of community all applicants and members of their prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

The CCP may use any information disclosed (or any other information obtained during the assessment or following registration) to ascertain whether the applicant should be disqualified from joining, or remaining on the register, due to applying the serious unacceptable behaviour rule including whether they may pose a serious risk to a community if they were to be housed.

Spent convictions are not required to be disclosed and will not be taken into account in assessing that person's eligibility to join the register. The assessment will instead reflect whether there is evidence of any current serious unacceptable behavior regardless of whether a person has been convicted in the past for that behavior.

If the CCP decide that, on the information obtained during the assessment process, there is a real pressing need for a 'Disclosure and Barring Service (DBS)' check, or a police check, a supplementary request for information and declaration will be sent to the applicant asking for more details and for permission from the applicant for the CCP to make the relevant check. Failure to give permission may result in the application not being made live whilst the CCP consider the information available to it or may result in the application being closed through the applicant failing qualification rule 2 which is to give permission for the CCP to undertake all reasonable enquiries.

Information gained will not automatically exclude an applicant from the register. Information received may also be used to make informed decisions about the suitability of any property that may be offered.

All assessments will be carried out in accordance with the data protection and information sharing policies and legal requirements.

### **Who can be included in the Application?**

The Application can include the following household members:

- a) Spouses or Civil Partners where the applicant lives with and/or intends to live with their Spouse or Civil Partner.
- b) Partners where the applicant is currently cohabiting with a member of the same or opposite sex.
- c) Children who reside with and are dependent upon the applicant. Children are defined as under 18 for these purposes. Where there is any dispute as to whether children reside with and are dependent upon the applicant, the CCP will apply the test in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide (see below).
- d) A Carer where the assessing officer has agreed that on the evidence there is a need for a live in Carer. The Carer is a person who provides or intends to provide care for another adult. It is either a relative or friend who assists another person in their day-to-day life. This is different from someone who offers care professionally or through a voluntary organisation. Even if a carer is in receipt of Carer's Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer in a housing application will be considered by the assessing officer's Manager to determine if the carer has been assessed by Social Care and Health as needing to provide overnight support. In these circumstances the applicant must provide supporting evidence from other agencies e.g. Social Care or a Health professional.
- e) Any other household member at the discretion of a manager delegated by the assessing body to make such decisions.
- f) Note: Individuals can only be on 1 application. Where someone has an application in their own name (or with a partner) they cannot also be included as a household member on another application unless they are a victim of

domestic abuse. If this is the case they should remove themselves from their previous application.

### **How joint applications will be considered and when will a joint tenancy normally be granted?**

Joint applications will be accepted and will be treated as one application. The housing need of the full household will be considered in assessing housing need.

Joint tenancies are normally granted where applicants have a long-term commitment e.g. married and unmarried couples, civil partners but this decision is down to the individual housing association who will decide whether to allow a joint tenancy depending on the rules adopted by that association.

### **Households with access to children/shared residency order or Child Arrangement Orders**

As part of the assessment process the CCP will record whether the applicant claims to have children that live with them part of the week whether or not this arrangement is set by the court or not. The CCP will apply the test in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with and is dependent on the applicant. Unless this test is passed an applicant will only be able to be considered for the size of accommodation relevant to their circumstances.

There will be cases where after the section 189(1)(b) assessment it is agreed that children live with the applicant on a 'shared arrangement' even though they do not exclusively live with the applicant.

In these cases, and in cases where an applicant has contact with children who stay over but do not live with the applicant, the applicant will be advised as to what size of property the applicant they are likely to be able to access and the rules applied by each partner housing association for allocating accommodation to households where children do not exclusively live with an applicant. The decision in this respect of each partner Housing Association is likely to vary and will depend on a number of factors including:

- a) The ability of the applicant to afford the rent with or without help from benefits
- b) The availability and popularity of family housing in any area that an applicant expresses a preference to live in. For example a Housing Association may be willing to be more flexible where a vacancy relates to a flat than a house as long as the rent is assessed as being affordable.

### **The requirement to inform the CCP of any change of circumstances**

Applicants are required to inform the CCP of any changes in their circumstances, which affect their housing application.

Examples of a change in circumstances include but are not limited to:

- a. A change of address or contact details, for either themselves or members of their prospective household;
- b. A change in their medical condition or disability (either existing or newly acquired);
- c. Additional family members or other people they wish to add to their application (It will be for the CCP to decide whether they will allow additional people to join the application);
- d. Any family member or any other person on the application who has left the accommodation; and
- e. Any significant changes in income, savings or assets, which may require a reassessment under the income and savings qualification rule.

Where there is any change in an applicant's circumstances, an on-line change of circumstances form must be completed, and supporting documents must be provided. If there is any change to the banding, applicants will be informed in writing. The onus is on applicants to inform the CCP when there is a relevant change in their circumstances.

If the change in circumstances results in a higher banding award the effective date will be the date they moved into the higher band. If the applicant moves to a lower band there will be no change to their effective date.

Note, a failure to notify the CCP of changes in circumstances may lead to the offer of any housing being withdrawn and the application suspended whilst the changes are verified.

### **Applications from members of the Council, Board Members, and staff**

Elected Councillors, or Housing Association Board Members, cannot be involved in assessing housing applications or the allocation of housing. However, this does not prevent Councillors seeking or providing information on behalf of applicants.

In order to ensure that the Council is treating all applicants fairly, any application for housing from a Councillor, Board Member, or employee of any Cumbrian Council's Housing Department or Partner Housing Association will be assessed in the normal way, but an offer of housing must be approved by the Lead Officer for the social housing partner advertising the vacant home. Canvassing is not allowed in any circumstances by or on behalf of members of staff.

### **Reviewing the Register**

Every applicant on the Register will have their application reviewed annually, or more frequently as decided by the CCP in order to manage the administration of the register. A letter will be sent to all applicants requesting confirmation of their current circumstances, and asking if they wish to remain on the register. If a

reply is not received within 28 days of the date the letter is sent the application will be cancelled.

## **Cancelling Applications**

An application will be cancelled in the following circumstances:

- At the request of an applicant
- Where an applicant does not respond to an application review, within the specified time limit set out in any correspondence sent to them
- Where a CCP Partner, or any other Council, or Housing Association has housed the applicant (unless it is assessed that the applicants' housing circumstances still qualify for an award of Band A or B based on their housing need, but this is unlikely to be the case). An applicant that has been rehoused and does not have an assessed housing need could of course apply again and would be included in Band C with a new Band date, which would be the date of their application.
- When a tenant on the housing register completes a mutual exchange
- Where the applicant moves and does not provide a contact address
- Where the applicant has died
- Where the applicant has not supplied information requested within 28 days at the application stage or the annual review stage.

Where the information known is that an applicant is vulnerable, the assessing officer may contact the applicant, or any agency supporting them, to check their current circumstances before cancelling the application.

If an applicant has moved into private rented accommodation rather than social housing the application will not be cancelled but if the result of a reassessment at this stage is that as a result of their changed housing circumstances they no longer qualify for an award of Band A or B, then they will be allocated Band C.

Any applicant whose application has been cancelled has the right to ask for a review of that decision.

## **Deliberate worsening of circumstances**

Where there is evidence that an applicant has knowingly and deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their needs will be based on the circumstances before their situation changed through their actions to deliberately worsen their circumstances.

Examples are:

- Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- Applicants who have moved from previously suitable or more suitable accommodation which it were reasonable for them to continue to occupy, into a less suitable property.

- Homeowners who have transferred their property to another family member within the last 5 years from the date they make their application to the Register.
- Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household;
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit

These are examples only. There may be other circumstances where the CCP decide that an applicant has deliberately worsened their circumstances

### **The Review Procedure**

The CCP is committed to making the correct decisions on all applications. Notification letters by post or email notifying an applicant of ineligibility or non-qualification for joining the Housing Register, or about the band that they have been awarded, or about any other decision concerning the facts of an applicant's case, will state that the applicant has a legal right to request a review of the decision made.

Under the housing legislation that applies to Allocation Policies there is a legal right to request a review of a decision in the following circumstances:

- a) A decision that an applicant is ineligible, or not a qualifying person to join the Housing Register.
- b) A decision regarding which band an applicant has been awarded.
- c) The priority date granted for the band awarded.
- d) To remove an applicant from the Housing Register.
- e) Any decision about the facts of the case that has been used to assess their application.
- f) Where an applicant considers that a decision has been reached based on incorrect information.

The procedure for how a request for a review will be administered is set out in appendix 1.6

## Section 4: How an applicant's housing needs and circumstances are assessed

### The Banding system

The demand for social housing exceeds supply in many areas of Cumbria and therefore this Allocation Policy intends to prioritise the housing of those applicants who are assessed as being in the greatest need. Once registered this does not mean that an applicant has a right to be offered social housing. They can be considered for housing based on their housing need but many applicants will unfortunately not have sufficient housing need to be offered a property.

A Banding system will normally be used to decide when to make an offer of accommodation and to whom, unless the Council or Housing Association apply the 'direct lets' procedure as set out in section 1 of this policy.

There are two statutory housing need bands (A and B) and one non-statutory housing need band (Band C). The purpose of reducing the number of bands from 5 under the old policy to 3 is to ensure that the policy is more transparent and simple to use. Once a band has been allocated based on the applicant's housing need, that band would (with the exception of where a direct offer is made under the policy) operate as a 'waiting list' so that applicants can see progression and be given more accurate information on how long they are likely to wait for an offer of accommodation depending on the area and type of property they wish to consider. This system is fairer and aims to build confidence in applicants regarding the allocations process.

The following section provides details of the 3 bands an applicant may be awarded. The band in which an application is placed, will be determined by their housing need. How the policy defines and assesses housing need is described in the table below. Where there are further details (beyond that contained in the table) of how the housing need criteria will be assessed, these are set out in appendix 1, for example, how officers will assess medical housing need claims (appendix 1.8).

It is important to note that applicants will be placed in the appropriate band when it is assessed their housing need meets the set threshold. An applicant who qualifies under more than one housing need criteria will be awarded the highest priority that any one of their assessed needs is entitled to. For example, an applicant with a need that is awarded band A and another need that would be awarded band B will be awarded band A. An applicant with 2 Housing Need criteria for Band B will still only be awarded band B. This new housing allocation policy no longer reflects cumulative housing need to ensure that the policy is seen as being fair and less complicated to understand and administer. This will also ensure decisions reached are consistent.

The Bands are:

**Band A - Urgent housing need to move:** These are applicants that are owed a statutory award of what the 'Housing Allocation Legislation' calls '*reasonable*

*preference*’ but whom the CCP believes should also be awarded *‘additional priority preference*’ based on their urgent and exceptional housing need.

**Band B – Statutory housing need to move:** These are applicants that are owed a statutory award of *reasonable preference* under the policy and have been awarded Band B priority based on their statutory housing need. It also includes certain key workers granted B priority.

**Band C – All other applicants in housing need:** This is the housing need band awarded where an applicant is not assessed as coming under the criteria adopted by the policy for being in a statutory housing need. Applicants placed in band C can still bid for properties but will not be considered above applicants from Bands A or B who have bid for the same property.

The CCP wish, over time, to increase the Options available to applicants in all 3 Bands including Band C. We aim to use technology to send direct texts and emails to inform applicants of available housing options and this may include information on:

- 1) Social rented low demand properties available now in any area of Cumbria
- 2) Older person housing opportunities
- 3) Affordable homes with specific rural local connection criteria or section 106 agreement
- 4) Affordable rent
- 5) Rent to buy
- 6) Shared ownership/equity
- 7) Discounted market sale / starter homes
- 8) Market rented
- 9) Help to buy opportunities.

**The reasonable preference criteria and the Band allocated for that housing need criteria**

<b>Band A: Additional preference for certain homelessness duties</b> <i>(This is assessed and verified by the Partner Council’s Housing Options Team)</i>
This banding applies where a Cumbrian Council have accepted:
1) The Section 193(2) main homelessness duty or the Section 193C(4) ‘reduced’ Section 193 duty, or
2) A section 189B (2) Relief duty and the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is in temporary accommodation provided by the Council to meet a section 188 interim accommodation duty.
In these circumstances where an applicant is homeless and in temporary accommodation and owed a Section 189B(2) relief duty, or 193(2) main duty or a section 193C(4) reduced main duty the Council will need to move applicants out of temporary accommodation to manage the budgetary or legal

impact on the Council. The applicant may still bid for properties advertised but due to the budgetary pressures faced by the Council and the need to maintain a supply of available temporary accommodation for new cases presenting as homeless, the Council is likely to make a direct offer of suitable accommodation into the private rented sector or social housing regardless of the preferences expressed by the applicant.

**Band A: Additional preference for medical or disability (See appendix 1.8 for full details of the medical need assessment process)**

Where an applicant (or a member of their household) is unable to continue to occupy their current accommodation due to high medical need or disability. Examples of when Band A may be awarded include:

Applicants ready to be discharged from hospital who: have somewhere to live but their accommodation is unsuitable due to their medical needs and cannot be made suitable through adaptations because of cost effectiveness or structural difficulties or the property cannot be adapted within a reasonable amount of time.

Applicants who have urgent need to move due to them having medical problems or disabilities that are being exacerbated by their current housing situation. This includes applicants:

- a) Whose life is at risk due to their current housing conditions or who are housebound, effectively housebound or cannot access the essential facilities in their home and there are critical concerns about their safety, for example through falls due to difficulties with access.
- b) Whose condition is terminal and rehousing is required to provide a basis for the provision of suitable care
- c) Whose condition is life threatening and their existing accommodation is a major contributory factor
- d) Whose health is so severely affected by the accommodation that it is likely to become life threatening for example, where an applicant has significant mental health problems which are exacerbated by their accommodation
- e) With disabilities, who have restricted mobility and are limited by their accommodation such that they are unable to carry out day-to-day activities or have difficulties accessing facilities inside and outside of their accommodation and require rehousing into accommodation suitable for their use.
- f) In overcrowded accommodation which puts the applicant at risk of infection, for example, where an applicant is suffering from late-stage or advanced HIV infection

**Band A: Additional preference where there is a need to move on welfare grounds due to exceptional impact on the applicant or a member of their households well being**

Not every circumstance that may present can be captured by the policy so below are examples of welfare ground cases that will be considered. The list is not exhaustive:

a) Suffering extreme violence, harassment or discrimination, whether a hate crime or otherwise, and that it is not safe for them to remain in their present home/locality.
b) Applicants who need to move due to domestic abuse threats from an ex partner or family member they do not live with, extreme threats of violence, extreme harassment, or other extreme circumstances deemed to significantly affect a household's welfare and wellbeing.
c) 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 their family's safety if they remain in the dwelling/area.
d) For applications in circumstances where there is a serious threat to the well being of a child and their accommodation is a major contributory factor to that risk. This will be in circumstances where the relevant manager in Children's Services or equivalent assesses the level of risk exposure in relation to the child or children remaining in the current property as being so critical that no other reasonable options in relation to accommodation are available to protect the child.
<b>Band A: Additional preference Armed Forces</b>
Applicants with urgent housing who:
a) Is serving (and will soon leave) the regular forces and is suffering from serious injury, illness, mental ill health, or disability which is attributable to the person's service
b) Has recently ceased, or will ceased to be entitled, to reside in accommodation provided by the MOD following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service or
c) Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the persons service
<b>Band A: Additional preference for unfit or unsatisfactory housing</b>
<b>There are 3 circumstances where Band A may be awarded:</b>
<b>1: Applicants without access at all to any of the following facilities:</b>
No access to:
a) A bath or shower
b) A toilet
c) Cooking facilities
d) Running hot water supplies
e) Electric/gas needed for essential activities
Applicants who have access to shared facilities re cooking; bathroom and toilet will not qualify under these criteria.
<b>2: Exceptional impact cases.</b>

Applicants who currently occupy a private sector property which has at least one Category 1 Hazard (excluding overcrowding) under the Housing Health and Safety Rating System (HHSRS) and where a Prohibition Order has been served or is intended to be served under the Housing Act 2004 and the effect of the Prohibition Order is likely to mean that the applicant(s) will lose the use of their home on a permanent basis. The relevant conditions at the property must be life-threatening or present an immediate threat of serious injury to the occupant(s)

This includes a property that has 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 period considered to be reasonable by the Council and the household are not able to afford to resolve their own housing problem by moving to alternative private sector accommodation.

Note - this does not include Council or Housing Association homes as there is a legal requirement on social landlords to urgently remedy defects that pose a risk to their tenants

**3: Demolition or Compulsory Purchase Order (CPO) cases.**

Where the applicant's property is subject to demolition or subject to a Compulsory Purchase Order for redevelopment

**Band A: Additional preference for severe overcrowding as defined as 2 bedrooms or more overcrowded** *Note: the measurement of overcrowding is based on the "bedroom standard" (with some exceptions adopted see below). This is the non-statutory standard set out in the government's allocation of accommodation guidance.*

Where an applicant household is severely overcrowded defined as requiring 2 or more additional bedrooms to reach the bedroom standard. In calculating the overcrowding the following circumstances will be disregarded unless there are exceptional circumstances:

- Children over the age of 16 will be excluded from the calculation
- Cases where extended family had moved into accommodation causing the 2 bedroom plus level of overcrowding
- Where the household contains non-dependent adults as there is more chance of non dependents being able to resolve their housing
- The CCP will take account of the space and layout of rooms and bedrooms in deciding whether the 2 bedroom plus priority will be awarded

**Band A: Additional preference for applicants nominated by Cumbria Adult Social Services/Children's Services in the following circumstances:**

- Where there is an essential need to move due to child protection issues
- Fostering carers for Cumbria County Council where there is a need to move to a larger home in order to accommodate a looked after child (this would not apply where the home required would be 4 bedrooms or more)

- Adoption arrangements where there is a need to move to a larger home in order to accommodate a looked after child (this would not apply where the home required would be 4 bedrooms or more)

- Applicants owed a duty by Adult Social Services under the Care Act 2014 / Mental Health Act 1983/2007 who have been assessed by the housing team as being ready to move onto independent living and have an appropriate support package in place

**Band A: Additional preference for Cumbria County Council Care Leavers (Former Relevant children) as defined by the Children (Leaving Care) Act 2000 and need to move on**

Applicants must be a former “Relevant Child” as defined by the Children Leaving Care Act 2002 and be a young person at risk of homelessness. The evidence to support this award will be provided by the council’s leaving care service and will consist of confirmation that:

a) All referrals by Children’s Services will be made following the provision of Cumbria’s Joint Protocol for young people

b) The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living

c) The care leaver possesses the life skills to manage a tenancy including managing a rent account.

d) The care leaver has either long term or medium term tenancy support arranged, as required.

e) Ongoing support needs have been assessed and, where appropriate, a support plan is in place and

f) The CCP’s assessing officer agrees that due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on their well-being

*Note: Care leavers will be awarded Band A on proof of their status. If an application for housing is made before it has been determined by the CCP assessing officer that the individual is ready for independent living, taking into account information from the applicant’s support worker and other agencies, the application will not have any bid considered until the support worker presents the evidence to the CCP that the individual is ready to move on and the CCP agree with that evidence.*

**Band A: Additional preference for applicants who are part of a multi-agency public protection agreement (MAPPA).**

Band A would apply only where:

a) On the recommendation of the MAPPA partnership the applicant requires and is suitable for independent housing and qualify for the Housing Register, and

b) The CCP assessing officer agrees that due to the nature and extent of the circumstances of the MAPPA case accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on the multi agency planning for that individual

**Band A: Additional preference for certain MARAC assessed cases**

Applicants fleeing domestic violence and abuse that have been assessed by MARAC (or any subsequent multi agency arrangement) as needing to move urgently for the safety and security of themselves and or any dependent children and are assessed as being in immediate danger, and
a) The MARAC partnership has referred the case and provided evidence as to why the applicant requires social housing, and
b) The CCP assessing officer agrees that due to the nature and extent of the circumstances of the MARAC case accommodation in the private rented sector would, through its short-term nature, have a substantial detrimental effect on individual or household
<b>Band B – Reasonable preference for certain homelessness duties owed</b> <i>(This is assessed and verified by the Partner Council’s Housing Options Team)</i>
Any of the following statutory homeless duties owed by a Cumbrian Council:
a) People where it has been verified that they are rough sleeping in a Cumbrian Council area regardless of whether they have made a homeless application
b) Applicants owed the prevention of homelessness duty under Section 195(2) by any Cumbria local authority
c) Applicants owed the ‘relief of homelessness duty under Section 189B(2) (Note: applicants owed a relief duty and are likely to be in priority need, unintentionally homeless and are in temporary accommodation will be placed in Band A)
d) Where the relief duty has been brought to an end and an applicant has been assessed at that point as not being in priority need
<b>Band B: Reasonable preference for insecure accommodation arrangements</b>
“A pregnant woman or applicant with a child or children who are sharing a home with family who are not part of their household and where:
a) They have no ownership or tenancy rights and the arrangement is short term and very insecure and only available whilst the applicant is actively seeking an offer of social housing or alternative accommodation with friends or in the private rented sector, and
b) They were owed a prevention of homelessness duty as they were assessed as likely to become homeless within 56 days, and that duty has ended because they have been allowed to remain at home whilst they bid for social housing with their Band B priority and it is likely that they can remain for at least 6 months to a year.
c) The family member with the interest in the home has agreed to allow the applicant to remain for at least 6 months to a year.
<b>Band B: Reasonable preference for medical or disability housing need</b> <b>(See appendix 1.8 for full details of the medical need assessment process)</b>

Applicants who have need to move due to them having medical problems or disabilities where their housing conditions exacerbates a serious medical condition or disability but do not qualify for an award of Band A. This includes (the examples are to illustrate the level of housing need to be awarded Band B and is not an exhaustive list).

a) The applicant's current accommodation to a significant extent directly exacerbates an existing medical condition, is the direct cause of a medical condition or impacts on the ease of use of the facilities within their home for a disabled person.

b) Applicants who have mobility issues and it has been assessed need to move to ground floor or level access accommodation

c) Applicants who have mobility issues and need to move to accommodation that has level access showering facilities

d) Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition

e) Applicants who have a medical need for an additional bedroom (e.g. because they need an overnight carer or need to accommodate a substantial amount of medical equipment)

**Band B: Reasonable preference under the Government's 'Right to move' regulations**

Existing social tenants of accommodation in England who the CCP have assessed as qualifying under the Government's Right to Move regulations will be placed into Band B

Allocation to those Applicants who qualify is limited to a maximum of 2% of all lettings.

**Band B: Reasonable preference for 'move on' from supported housing**

Where the CCP assessing officer after considering evidence from the applicant's support officer agrees that due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on their well being.

Before the award is made, ongoing support needs will need to have been assessed and, where appropriate, a support plan put in place to increase the chances of the tenancy succeeding and the person must have been assessed as ready to move on from supported to independent housing.

**Band B: Reasonable preference where it is agreed there is a need to move on welfare or hardship ground:**

1) Applicants who need to move closer to a specialist organisation, agency or institution located in a specific area of Cumbria, where moving would prevent significant physical, psychological or financial hardship. (The assessment will include the availability and ability to use public transport)

<p>2) Hardship on support grounds: Applicants that have demonstrable evidence that they provide or receive substantial and on-going support to or from relatives or friends and where moving would prevent significant physical, psychological or financial hardship. This award will only be considered where there are significant medical or welfare issues including grounds relating to disability. This award for applicants who give or require support from relatives or friends will only be considered where there is a severe disability or mental ill health, medical or welfare issue (relating to the applicant or their household or the relatives or friends) and there are reasons why this support cannot be made available through reliance on public transport or the persons own transport. (The assessment will include the availability and ability to use public transport).</p>
<p>3) Employment Hardship - Priority will only be given in exceptional circumstances and applicants will need to show that they need to move to take up or continue an employment opportunity not available elsewhere. They will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer. Employment purposes are defined as: applicants including people needing to move from outside Cumbria and between Cumbrian Districts, taking up or continuing permanent employment for a minimum of 16 hours per week. Under this clause applicants will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer. (The assessment will include the availability and ability to use public transport)</p>
<p><b>Band B: Reasonable preference for being overcrowded by 1 bedroom</b>  <i>Note: the measurement of overcrowding is based on the "bedroom standard" (with some exceptions adopted see below). This is the non-statutory standard set out in the government's allocation of accommodation guidance.</i></p>
<p>Applicant's living in overcrowded conditions and whose housing circumstances have been assessed as being 1 bedroom short of what they need as measured by the bedroom standard.</p>
<p>Or alternative wording</p>
<p>Where an applicant household is overcrowded by one bedroom as measured by the bedroom standard. In calculating the overcrowding the following circumstances will be disregarded unless there are exceptional circumstances:</p>
<ul style="list-style-type: none"> <li>➤ Children over the age of 16 will be excluded from the calculation</li> <li>➤ Cases where extended family had moved into accommodation causing the 1 bedroom level of overcrowding</li> <li>➤ Where the household contain non-dependent adults as there is more chance of non dependents being able to resolve their housing</li> </ul>
<p>The CCP will take account of the space and layout of rooms and bedrooms in deciding whether the 1 bedroom priority will be awarded</p>

**Band B: Reasonable preference for unsatisfactory housing conditions or issues of property fitness**

Private sector tenants that the relevant Council has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the CCP assessing officer is satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has 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, and the household are not able to resolve their own housing problem by moving to alternative private sector accommodation

**Band B: Reasonable preference for under-occupation**

Applicants who have a social housing tenancy with a Cumbrian CCP Partner and are under-occupying social rented accommodation by two or more bedrooms. The exception to the 2 or more bedroom under occupation rule will be:

- a) Where a tenant occupies a house that they are under occupying by 1 bedroom and a move to a flat would free up that house
- b) Where it is agreed that under-occupancy by 1 bedroom will cause significant financial hardship for tenants. This is where there is clear evidence that tenants on lower incomes are forced to spend significant percentages of their incomes on servicing 1 bedroom under-occupancy deductions

**Band B: Local preference for recent ex armed forces applicants**

Members of the Armed Forces persons who are serving in the regular forces who will be discharged within three months and have served for five years preceding their application for an allocation of housing accommodation as long as this has not been a dishonorable discharge.

**Band B: Local preference for identified 'Key Workers'**

The following key workers whose total gross household income from all sources does not exceed an annual income of £45,000 or more (for single persons) or joint income of £60,000 or more (for couples).

- 1) National Health Service Staff and Social Care staff
- 2) Community Support Officers
- 3) Members of the Territorial Army
- 4) Volunteer Fire Officers

**Band C – All other applicants in housing need:** This is the housing need band awarded where an applicant is not assessed as coming under the criteria adopted by the policy for being in a statutory housing need. Applicants placed in band C can still bid for properties but will not be considered above applicants from Bands A or B who have bid for the same property.

Band C will include applicants who have been assessed as being intentionally homeless by any Council and since that award has not had settled accommodation (defined by the CCP assessing officer)

Note applicants who only want to register for a section 106 village or rural development and have no other statutory housing need will be allocated Band C.

### **Advertising Properties**

All CCP Partners with social housing stock have agreed to advertise the majority of their properties through Cumbria Choice. Properties will be advertised on a weekly basis on the website.

Choice based lettings are about the applicants being given choice about where they want to live. Properties will be advertised and applicants will be able to indicate the properties for which they want to be considered by 'bidding'. Once the bidding process closes a shortlist will be compiled and the property allocated will be based on the banding priority of the applications and the time they have waited as long as they meet the criteria set out in the advertisement.

If a bid is received from an applicant on Cumbria Choice who does not have a local connection with the Council area where the advertised property is located then the local connection criteria set out in 'Section 2 Qualification rule 1' will be used to produce the shortlist, unless the property is advertised with no preference for applicants with a local connection to the area where the property is located. For properties advertised under a local letting policy the criteria for that LLP will be used to produce a shortlist.

So far as is possible the CCP will use the CBL letting process, banding priority system, and waiting time within the band to allocate accommodation. However, there may be times when a direct letting will need to be made to a property using the criteria set out in 'Policy on Choice' detailed in Section 1. In these circumstances a property will not be advertised. The aim is that no more than 15% of properties available to let should be allocated through a direct letting in order to preserve the integrity of the choice based letting process. However, in the circumstances of a national emergency such as the Covid-19 pandemic choice based lettings may be suspended, or a much higher percentage of lettings may be made directly.

Further operational and procedural details are set out in appendix 1.7 covering:

- a) Advertising properties
- b) The bidding and selection process
- c) Offers of accommodation
- d) Feedback on lettings

### **Sheltered Housing**

Sheltered accommodation is included within the scheme. It is generally for people of 60 years and older and offers independent living with the added

security and support of a warden service. In certain circumstances it may be advertised for people aged below 60 years. Property advertisements will clearly state the age requirements of applicants able to 'bid' for a property.

## **Section 106 developments**

Under the Town & Country Planning Act 1990 some developments are subject to Section 106 planning obligations which usually requires properties to be let to applicants with a local connection to stated Parishes. Where this applies only those applicants meeting the requirements of the Section 106 agreement will be eligible for an offer of a property.

Advert details will state when the letting of a property is governed by a Section 106 agreement.

## **Local Lettings Policies**

Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities. Appendix 3 gives full details for how local lettings policies will be assessed and applied.

The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.

- 1) Age restrictions.
- 2) Specific local lettings policies for a village or rural parish (see below)
- 3) Prioritising applicants who are key workers, as defined by the CCP.
- 4) Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
- 5) Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
- 6) Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
- 7) Ensuring that there is a balance of working and non-working households allocated to a scheme.
- 8) Enhanced local connection restrictions relating to a specific parish.

New developments will normally have local lettings policies (usually only applies to first lettings) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.

## **Specific Local Lettings Policies for Rural Villages and Parishes**

For some villages and rural parishes where there is a high demand for housing additional priority may be given to applicants who have a local connection to the particular village or rural parish. Advert details will state where an applicant having a local connection to the specific village or rural parish may be given

priority. Those villages and rural parishes subject to a local lettings policy will be identified for each Cumbria Council. For some villages or rural parishes the definition of local connection may be based on locally agreed criteria through the Parish Council and will not necessarily be the definition set out below. In these circumstances the property advert will fully set out the local connection criteria.

## **Section 5 Appendices**

### **Appendix 1 – Operational and Procedural Instructions, Guidance and detail for how the Policy will be applied.**

#### **Appendix 1.1: Lettings not covered by the Policy**

- a) Introductory or probationary tenancies – Where an introductory/probationary tenancy becomes a secure or assured tenancy
- b) Family Intervention Tenancies – Introduced by the Housing and Regeneration Act 2008, Family Intervention Tenancies are a form of residential tenancy without security of tenure. They may be offered by either a local housing authority or a housing association to anyone who is a tenant of a secure (or assured) tenancy subject to a possession order on the grounds of anti-social behaviour or domestic abuse or anyone who (if they had a secure or assured tenancy) could have had such a possession order made against them.
- c) Succession under S89 of the Housing Act 1985 (secure tenancies), under S133 (2) of the Housing Act 1996 (introductory tenancies) or under S90 of the Housing Act 1985 (fixed term tenancies).
- d) Non-Secure tenancies or 'temporary accommodation' – Any accommodation that is provided to meet an interim duty under Part VII of the Housing Act 1996.
- e) Temporary decants – Secure or introductory tenants of a local authority or assured or assured shorthold tenants of Registered Providers who need to be moved temporarily whilst major work is carried out on their home.
- f) Demoted tenancies - Following a successful application for a demotion order under sections 14 and 15 of the Anti Social Behaviour Act 2003.
- g) Mutual exchanges between existing tenants under S92 of the Housing Act 1985 or under S158 of the Localism Act 2011.
- h) Assignment to a person who would be qualified to succeed the tenant under S92 of the Housing Act 1985 (secure tenancies) or S134 Housing Act 1996 (introductory tenancies).
- i) Conversion of an introductory tenancy to a secure tenancy under S125 Housing Act 1996).
- j) Transfers of secure or introductory tenancies by a court order made under certain provisions contained within matrimonial, family, children and partnership legislation.
- k) Allocation to a person entitled to rehousing under section 39 of the Land Compensation Act 1973.

- l) Allocation to a person whose home is repurchased under sections 554 or 555 of the Housing Act 1985 (defective dwellings).
  
- m) The Allocation Scheme does not apply to an allocation to anyone who is already a secure or introductory tenant or an assured tenant of a private registered provider of social housing or registered social landlord unless the person has applied to the CCP for a transfer and the CCP is satisfied that the person is to be granted reasonable preference under one of the reasonable preference categories in S166A (3) of the Housing Act 1996

## **Appendix 1.2: The details for how the scheme will apply:**

- 4) The General Data Protection Regulations 2018
- 5) The 'Privacy Notice' for the policy, and
- 6) An applicant's right to information

### **General Data Protection Regulations 2018**

A Data Protection Impact Assessment (DPIA) will be undertaken for any proposed changes to the policy or procedures where those changes are likely to result in a high risk to individuals' interests in order to comply with the requirements of General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018.

Personal information will only be used in ways that the applicant reasonably expects in order to process their application. This will include the sharing of information with the Housing Association Partners to this scheme or any other Housing Association that is not a member of the scheme.

Where it is necessary for personal information to be shared with third parties, it will be transferred in a secure way to ensure it is not compromised or accessed by anyone who is not entitled to it.

On a case by case basis, where the law requires or permits, and the disclosure is necessary and proportionate, information about an applicant may be shared in the absence of consent without breaching data protection, human rights or the common law obligation of confidence.

Usually this will involve striking a balance between the rights of the applicant and other legitimate interests, which may justify the information sharing. An obligation of confidentiality/privacy may be set aside where the interference is in accordance with the law, necessary and proportionate to the legitimate aim being pursued to meet one or more of the following interests:

- a) National security
- b) Public safety
- c) The detection or prevention of disorder or crime
- d) Protection of health or morals
- e) The protection of the rights or freedoms of others (e.g. safeguarding public funds, protecting those at work)

### **Privacy Notice**

All CCP Partners have a responsibility to protect public funds. For Local authorities this is a legal duty. The CCP partnership may obtain and share information about the applicant to:

- Prevent or detect crime or fraud
- Protect public funds
- To make sure information is correct

Third parties include government departments, other Councils, private sector companies, including companies that assist us in fraud detection and prevention, such as '*Credit Reference Agencies*'. Information may also be obtained from social media.

Any use of personal data will be in full accordance with 'The Data Protection Act 2018', which incorporates the implementation of the General Data Protection Regulation (GDPR). A full copy of each CCP Privacy Notice is available on request via emailing Cumbria Choice [@add cumbria choice general query email address](#)

### **Right to information**

The Freedom of Information Act 2000 makes it a requirement for every public authority to produce a 'Publication Scheme' which sets out all the information it makes available to the public, and whether copies of that information are available free of charge. The 'Publication Scheme' includes information that a Council is legally obliged to publish. The Scheme is also intended to assist in developing a culture in which openness and transparency is encouraged as per the requirements of the Local Government Act 2000.

### **Appendix 1.3 Details of how alleged fraud or providing false information will be assessed**

Section 171(1) of the Housing Act 1996 makes it an offence for anyone, in connection with the exercise by a local housing authority of their functions under Part VI of the Housing Act 1996 (and therefore in seeking an allocation of accommodation) to:

- a) Knowingly or recklessly make a materially false statement or
- b) Knowingly withhold information that the CCP has reasonably required him/her to give in connection with the exercise of those functions.
- c) A person guilty of this offence is liable on summary conviction to a fine at the date of this scheme document of up to £5,000.

The circumstances in which an offence is committed could include:

- d) Any false information given on an application form for housing/accommodation (including transfer applications);
- e) Any false information given in response to subsequent correspondence;

In addition making a fraudulent application for housing may constitute an offence under the Theft Act 1968 and/or the Fraud Act 2006.

#### **Determination of deliberate intent**

In many cases, applicants will have provided incorrect or inadequate information on their application form, but the assessment concludes that there was no deliberate intention.

It will be for the assessing officer in the first instance to decide if any errors contained in an application were deliberately made or not. If the officer is satisfied that the errors were not deliberate, or that it had no impact on the application, then no action will be taken though the applicant may be warned about the need to provide accurate information and the consequences for not doing so.

However, if the assessing officer has concerns, these will be discussed with their Manager who will decide if they:

- 1) Are satisfied that there is insufficient evidence to disqualify the application on these grounds;
- 2) Requires more information to be gathered before a decision can be made;
- 3) Are satisfied that the applicant has provided fraudulent information, or withheld important information.

The Manager will notify the CCP Board and, in serious cases the Police, in all cases where serious or systematic fraud is suspected.

If the decision is that applicant has given false information or withheld information they will not qualify for the register, or where information emerges after they have been placed on the register, they will be disqualified. In these circumstances a letter will be sent to the applicant to notify them of the decision and they will have a right to seek a review of that decision.

#### **Appendix 1.4: Additional procedural information on the consideration of exceptional circumstances and how applications where there is a 'Debt Relief Order', 'Bankruptcy Declaration' or 'Individual Voluntary Agreement (IVA)'**

Note: it is the responsibility of the applicant to make the case as to why their circumstances are exceptional. Once a request has been made for exceptional circumstances to be applied the assessing officer will consider that request under the statutory review procedure. Each request to be considered an exemption will be assessed on the facts presented. The CCP will also consider cases where it has assessed that a tenant accrued rent arrears due to the bedroom tax resulting in the tenant being unable to pay the full rent, or through having a reduced income as a result of a National Emergency for example the Covid19 emergency.

Note 1: This qualification rule also applies to applicants currently on the register. An applicant's eligibility to remain on the register will be kept under review. An applicant may be rendered ineligible (or allowed to remain on the register but not be allowed to bid) at anytime should the CCP become satisfied that there is new evidence, or a change of circumstances, that mean the rule relating to former rent arrears or a housing related debt should be applied to their case.

Note 2: For applicants who have had their rent arrears included in a 'Debt Relief Order', bankruptcy declaration or individual voluntary agreement (IVA) a period of at least 12 months has to pass from the declaration of insolvency to the point a debt is cleared. Should an applicant maintain their finances for this period, this will be considered as strong evidence that their previous problem has been resolved. Should an applicant fail to maintain their finances during this period, any new social housing debt can be taken into account as normal. Therefore, we see no benefit of taking into account such debts at a later point.

## **Appendix 1.5: Additional guidance for assessing officers and the framework to be used to apply the test of unacceptable behaviour**

Specific examples of serious unacceptable behavior are:

- a) Being subject to a court order (including an interim order) for breach of tenancy conditions
- b) Conviction for illegal or immoral use of their current or former home
- c) Causing nuisance and annoyance to neighbours or visitors
- d) Committing criminal offences in or near the home and still posing a threat to neighbours or the community
- e) Being violent towards a partner or members of the family
- f) Allowing the condition of the property to deteriorate
- g) Paying money illegally to obtain a tenancy for example a corrupt payment
- h) Unlawfully subletting their tenancy
- i) Applicants that have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974.
- j) Having unspent convictions where the assessment concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities.
- k) An applicant or any member of their household has been responsible for any racial harassment or other hate crime. Racial harassment and Hate Crimes is defined as racist, religiously aggravated, faith, gender, age, disability, and trans phobic or homophobic or gender re-assignment harassment or hate crime. A hate crime or racist incident is defined as any incident which is perceived to be racist or hate crime related by the complainant or any other person.

Note: This rule also applies to applicants currently on the register. An applicant's eligibility to remain on the Housing Register will be kept under review during their time on the register. An applicant may be rendered ineligible (or allowed to remain on the register but not be allowed to bid until the behaviour is resolved) at anytime during the process should the CCP become satisfied that the rule relating to unacceptable behaviour should be applied to their case.

Any new application will normally only be reconsidered at the request of the applicant, and as a guideline the CCP will consider whether there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a period of 12 months.

Note: Where an applicant has resolved their behaviour to the satisfaction of the CCP it may still be the case that a CCP Housing Association Partner where the behaviour occurred might decide they do not want to consider rehousing their former tenant. However, this will not prevent an applicant from being considered for housing by another Housing Association.

The assessing officer will be guided by the following considerations:

- 1) The behaviour need not have led to possession, prosecution or other enforcement action by a statutory agency, provided that, on the balance of probability, the household is responsible
- 2) In normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer time-scale may be appropriate.
- 3) There must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats, or there might be a history of repeat offending.

The assessing officer will specifically consider:

- a) The seriousness of the applicant's behaviour
- b) The duration of the behaviour and/or the number and frequency of incidents
- c) The length of time that has elapsed since the behaviour took place
- d) Any facts that indicate that there has been no further cause for concern in the last 6 to 12 months
- e) Any relevant vulnerability or support needs that may explain the behaviour
- f) Whether there is meaningful engagement with support agencies
- g) Critically, whether there has been a significant and sustained change in the applicant's behavior, and
- h) Whether they believe on the evidence that the behavior is likely to still reoccur now or at the point a tenancy was offered or commenced

Applicants to whom the rule is applied will be written to and informed that:

- a) That the unacceptable behavior rule has been applied to their case and either they do not qualify, or that they qualify but cannot bid until the behavior has been resolved
- b) What they must do to resolve the problem
- c) That for either decision i.e. disqualification or qualification but not allowed to bid, it is the applicant's responsibility to notify the CCP when they have, in their view, resolved the issue and that they will need to present evidence to back up their view.
- d) Where an applicant is disqualified for unacceptable behaviour they will have a right to ask for a review of the decision made to disqualify them.

Note where an applicant is disqualified, any new application will normally only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of 12 months.

## **Appendix 1.6: How a request for a review will be administered**

### **1. How a request for a review will be dealt with**

2. A review must be requested within twenty-eight days of the date of the letter advising the applicant of the decision on their application. The CCP has discretion to extend this time limit, or consider a request made out of time, if it considers this would be reasonable. Any request for a review out of time should therefore state why the applicant considers that the 28-day time limit should be extended.
3. The request for review should be made by email or letter to a Cumbria Choice Review Requests email account or PO Box address.
4. As a first stage the Housing Association or Partner who has assessed the applicants case will consider the applicants concerns and provide a response to the applicant. If the applicant is still unhappy their concerns will then be treated under the formal review procedure set out below.
5. Once the informal consideration process has been completed and after receiving a response the applicant has indicated in writing or verbally that they wish the review to proceed the relevant Cumbrian Council's Housing Options Service covering the area where the applicant has applied will conduct the review or may delegate this task to the CCP Partnership Manager to undertake the review on behalf of the relevant Council. Please note these reviews do not form part of the separate homelessness review process contained within section 202 of the 1996 Housing Act and they will not be subject to an appeal process pursuant to section 204 of the Housing Act 1996.
6. The applicant, or their representative, must give reasons why they wish to have the decision reviewed so that the CCP can ensure that the request falls under the statutory review request criteria.
7. Upon receipt of a request for a review the CCP will send an acknowledgement letter explaining the review process and procedure to be followed.
8. The officer undertaking the review will not normally have been involved in an original decision.
9. An applicant may be asked to attend an interview and, if so, can be accompanied by an advisor or friend.
10. Where it appears that the applicant needs an interpreter this can be arranged.
11. The review will be carried out and the decision and the reasons for it will be given to the applicant in writing within 56 days of the request being received. There is no right to request a review of this review decision.

## **Appendix 1.7: Further operational and procedural details covering:**

- a) Advertising properties
- b) The bidding and selection process
- c) Offers of accommodation
- d) Feedback on lettings

### **Advertising properties**

It should be noted that in certain circumstances a participating Housing Association might apply their own rules regarding the allocation of accommodation, for example an association may wish to apply its own test of affordability. The aim of all CCP partners is to keep these individual association rules to a minimum. Where there are rules set by an individual Housing Association that differ from the common policy, the intention is to set these out in a link to the on-line policy.

Properties will be advertised in an easy to read format. They will usually include a picture of the property or scheme in which it is located. Property adverts will include details of the property and will indicate suitable household size as well as giving information about the local area. The properties will clearly indicate which housing organisation is the Landlord.

Properties may be advertised during the 4-week notice period given by an outgoing tenant. If the notice is subsequently withdrawn by the tenant, the property will unfortunately be unavailable to let.

Direct offers will be made in accordance with the criteria set out in section 1 plus lettings to extra care housing and some sheltered schemes. Otherwise all categories of properties will be advertised. General needs properties; properties that have been adapted for those with disabilities; properties that are specifically for the elderly and which may have a warden and/or an emergency call system. Adverts will clearly indicate any restrictions on bidding (e.g. where properties have been adapted and/or are specifically for people with disabilities) and will detail any particular criteria that apply (e.g. where full occupancy is required, affordability criteria etc.)

Bids from applicants will only be accepted if they meet all of the eligibility criteria for the property. However if their situation is changing imminently, once evidence has been provided, they will also be accepted.

### **The bidding and selection process**

Properties are advertised on a weekly cycle. Applicants may express an interest through bidding on any advertised property that meets their needs. For applicants in bands A or B they are able to place up to 3 bids each week. For applicants in band C they are able to place unlimited bids in order to improve their prospects of obtaining an offer of a lower demand property in the circumstances where there may be several lower demand properties advertised in that cycle.

Bids can be made in a number of ways: on the website using the username and password; by telephoning or visiting the office of a partner organisation; by mail; by proxy bidding.

Applicants are able to check their position on the list at the time of the bid, together with the total number of bids already placed. This allows applicants to make decisions about their choice of property and the likelihood of being successful. Within the bidding period, applicants may withdraw bids and make further bids.

Only the applicant whose bid is successful will be contacted unless they refuse the offer made or are ineligible to be offered the property.

So far as is possible the CCP will use the banding system, and waiting time within the band to allocate accommodation. However, there may be times when a direct letting will need to be made to a property using the criteria set out in 'Policy on Choice' detailed in Section 1. In these circumstances a property will not be advertised. The aim is that no more than 15% of properties available to let should be allocated through a direct letting in order to preserve the integrity of the choice based letting process. However, in the circumstances of a national emergency such as the Covid-19 pandemic choice based lettings may be suspended, or a much higher percentage of lettings may be made directly.

The highest bidder is awarded priority in descending order between Band A, Band B, and Band C.

Within bands, priority is awarded according to the registration date. However, there may be other reasons why it would be necessary or advisable to reject a bid that would otherwise have been successful: for example where there was restrictive labelling for the property advertised or where the property would not be suitable for that particular applicant. In the circumstances where the landlord who has advertised the property has decided that it would not be suitable, despite the applicant meeting the bidding criteria, there should be a discussion with the local authority's Housing Options Team before the bid is rejected.

Unless a property is advertised with restrictions, applicants who are members of the scheme can bid for any property in Cumbria regardless of where they live in Cumbria. However, when drawing up the shortlist applicants will be ranked first by local connection to the Council area where the property is advertised (using the local connection criteria set out in Qualification rule 1 Section 2 of the Policy) then by band and date order. There are 3 examples set out below. The exception to this rule will be where a bid is made by a victim of domestic abuse where it has been assessed and agreed that they cannot remain in the local authority area where they are at risk.

Example 1 - Applicant X has a local connection to Eden and this is the area where the advertised vacant property is located. Applicant X is in Band B. An applicant living in Allerdale (applicant Y) bids for the property and is in Band A but has no local connection to Eden. Applicant X will be shortlisted above applicant Y as they have a local connection with the area where the property is located.

Example 2 - Applicant T has a local connection to Eden and this is the area where the advertised vacant property is located. Applicant T is in Band C. An applicant living in Allerdale (applicant U) bids for the property and is in Band B but has no local connection to Eden. Applicant T will be shortlisted above applicant U as they have a local connection with the area where the property is located.

Example 3 – Applicant C is from Carlisle and has been assessed as being at risk in Carlisle due to fleeing domestic abuse. She is staying temporarily with friends outside of Carlisle. Applicant C has no local connection to Eden and this is the area where the advertised vacant property is located. Applicant C is in Band B with an effective date of 1/3/20. She bids for an advertised property in Eden. Applicant D is from Eden and is also in Band B with an effective date of the 1/4/20 and bids for the same property. This case would be the exception to the rule that priority would always be given to the applicant with a local connection to the local authority where the property is located. Applicant C would be the successful bidder based on her band and effective date.

In the circumstances where there are two households with the same Band and registration date that bid for a property a decision to offer the property will be based on the household who is assessed as being most suitable for that property.

Where the property advert has indicated specific requirements such as age or accessibility, only those applicants meeting those requirements will be eligible for an offer.

### **Offers of accommodation**

This section sets out the procedure that will apply to making an offer of accommodation once an applicant has been selected from a shortlist of successful applicants bidding for that property.

Once selected and, prior to an offer being made, the Council or Housing Association landlord for that property will carry out a further verification of their eligibility and priority. In certain situations the offer will not be made, or if made may be withdrawn if:

- Since joining the scheme an applicant has become ineligible.
- On verification of the applicants' details, the priority band has been incorrectly awarded due to the information received by the applicant, or due to mistakes in the assessment of the application itself.
- The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.
- The landlord has evidenced housing management reason not to offer the property.

If an applicant does not reply to an invitation in writing, by letter or email or text, to view a property within 2 working days of receiving an offer then the offer will

be deemed to have been refused and the property will be offered to the next applicant on the shortlist who qualifies for that offer.

A suitable and reasonable offer of accommodation is defined in appendix 4 of the policy.

There may, unfortunately, be exceptional circumstances where following a viewing or notification of offer an offer may still be withdrawn. This can be done up to the point when a tenancy agreement is signed. Examples of reasons when a property offer may be withdrawn are:

- The property is not suitable for the households needs
- The property fails to become available
- There is an issue and concern for community safety
- It comes to light that information has been withheld
- It comes to light that the household or member of the household has a property related debt
- The offer has been made in error
- The households circumstances changed
- The property is required for an emergency
- It transpires that the rent would not be affordable

There must be clear grounds recorded by the Council or a Partner Housing Association on the IT operating system if a decision is taken to refuse or bypass an applicant who is top of any shortlist. Where an applicant has been refused or bypassed because they have failed a verification check or that their circumstances have changed they should be informed of the reason and how it now effects their application.

For all other reasons for example, issues of public safety, risk, or sustainability of the tenancy, an applicant, upon request, will be informed of the reason behind the decision to refuse or bypass them.

### **Feedback on Lettings**

A main aim of the Cumbria Choice scheme is to operate an open and transparent lettings system.

The result of lettings made through the scheme will be published on the Cumbria Choice web site and at the end of the property advert newsheet.

## **Appendix 1.8: Assessing whether an applicant qualifies for a priority band A or B on the basis of medical priority**

The assessment: Awarding Medical Priority for significant Medical Conditions that are being made worse by an applicant's housing circumstances

### **The framework that will be applied to assess medical impact cases**

This appendix provides detailed operational guidance to help officers to make their decisions on whether medical or welfare impact priority should be awarded.

Applicants will be asked for information and any supporting documentary evidence, regarding how their health or welfare are affected by their current home, or why the applicant's health cannot be managed in their current accommodation. They will be asked to complete medical information questions set out in the on-line application form and may, depending on their answers, be asked to complete a follow up form to allow the assessing officer to obtain more information.

On receipt, the assessing officer will consider whether any supplementary information is needed from any other relevant professional, who may be able to explain the impact the applicant's current accommodation is having on their medical condition or disability.

While this information is being provided, and pending the assessment of medical priority, applicants who qualify for the register and have another statutory housing need will be registered and placed in a band according to that need. Where no other housing need exists, the application will remain as pending until any medical priority is determined

The assessing officer supported, where necessary, by a senior officer, will normally make a decision whether or not to award a priority based upon the information provided. They will use the guidance notes and assessment framework in this appendix to help them make a decision.

If the assessing officer is of the view that it would be beneficial to obtain an opinion from an independent Medical Advisor, or Occupational Therapist they will make a referral. A Medical Advisor will not normally be asked to carry out a medical examination and their opinion will be based on the information provided by the applicant and any supporting information from a medical professional and any information submitted by any organization supporting the applicant.

Applicants are not required to provide any supporting medical evidence in support of their application before an assessment is made although where this is available they should provide it in support of their case.

Where the assessing officer believes that further medical information is required before they can make an assessment they may request it from a relevant medical professional dealing with the applicant.

It is important to note that the assessing officer is not making a medical opinion. The role of the officer is to consider evidence re the impact of an applicant's current housing circumstances on any medical condition or disability.

Medical priority will not normally be awarded in the following circumstances:

- a) Where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied
- b) Health problems that are not affected by housing or cannot be improved by moving
- c) Where a move would only make a marginal improvement to the applicant's condition
- d) Medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame.
- e) Where another reasonable course of action is available to the applicant to resolve their difficulties.
- f) Time-related medical problems (e.g. pregnancy-related problems or a broken leg)
- g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact).
- h) Overcrowding not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for being overcrowded).
- i) If the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.

Applicants who require support to live independently with their medical condition will be placed in a priority band for their medical need but will be suspended from bidding until an appropriate package of support has been agreed. If no appropriate support package has been agreed the applicant will not be offered accommodation whilst a support plan/package is pursued.

Each individual on the application with a health or welfare problem will be assessed. If there is more than 1 member of the household whose health and/or welfare is being affected by their housing, their application will be awarded the need relating to the severest problem.

Where an applicant has been placed in bands A or B as a result of a medical need this may be reviewed on a regular basis to ensure the award is still relevant.

The review will determine whether the level of priority is still appropriate. The review may involve a phone-call to the applicant and/ or support agency, an email, or a home visit.

Once the assessment has been completed the applicant will receive a letter or email advising them of the outcome, and if a priority band is awarded what that band is.

Where an applicant already registered notifies a change of medical circumstances that are impacted by their current housing the applicant's priority will be re-assessed using the same process.

This section below quotes examples of when Bands A or B could be awarded. These are just examples and an assessment will be made on the facts of the case.

### **Band A: Covers urgent and immediate medical impact problem**

This top category band A will be reserved for exceptional cases where an applicant's health is seriously at risk (including a risk to life) due to the associated medical and housing difficulties that are inherent in their existing accommodation.

### **Band B: Covers serious medical impact problem**

A band B award also reflects urgent medical impact cases that have a clear relationship with the applicant's existing housing circumstances.

### **The detail for the operational guidance that used to assess medical cases**

1. The applicant will be asked to indicate on their on-line application form whether they or anyone in their household has an illness or disability that is affected by their current accommodation.
2. If the information returned on the on-line form does not clearly address the impact of the applicant's current housing on their condition, the assessing officer will contact the applicant to ask them specifically to describe how the current housing is impacting on the condition described (a standard letter/form will be used).
3. The email/letter will explain that where supporting information from a health professional is available, the applicant should provide this information to support their application, but that we do not, as a matter of course, require an applicant to submit a medical report, or obtain letters from their GP before an assessment will be progressed. We do not wish to create further work or costs for doctors or applicants by insisting that medical reports are produced before an application can be considered.
4. It is expected that the majority of cases can be assessed by the assessing officer by using this guidance and where necessary taking advice from a senior officer. Only where relevant and appropriate will advice from an independent medical advisor or OTT be sought.
5. Depending on the seriousness of the circumstances claimed the case might be referred to an independent medical advisor or OTT to provide advice on the possible impact of any medical or disability condition to help address the impact of the applicant's current accommodation on that condition.
6. In the circumstances where the assessing officer believes there may be an urgent and immediate need, due to the severity of the impact of their current housing on an applicant's disability, the case can (with a senior officer's approval) be submitted to Cumbria County Council's Occupational Therapy Team (OTT) for a more detailed assessment. In order to do this the OTT may visit the home of the applicant and consider any supporting information and may recommend whether Band A or B priority should be awarded, based upon the severity of the case and the urgency of the need for re-housing.
7. The OT may also make recommendations re the type of housing that the applicant may need.

8. Where priority is awarded applicants will only be considered for the type of accommodation assessed as being required. For example, if it is assessed that an applicant needs to move to a bungalow because due to their condition they need to use a wheelchair, they will only be considered for suitable properties that meet this need.
9. There will be occasions when advice, or clarification, from a GP or hospital consultant may need to be sought. For example, where it is claimed that an applicant's housing circumstances is severely affecting their mental health.
10. Where the information indicates that the applicants condition is not so urgent and immediate that they are unable to live in their current home, or that there is insufficient evidence that the medical condition would be significantly improved by alternative housing no award of priority band A or B will be made.
11. The following list sets out some of the circumstances that may qualify for an award of priority banding:
  - a) An applicant's inability to manage stairs, control temperature, etc.
  - b) Where an applicant is confined to their existing accommodation due to the physical nature of that accommodation
  - c) Where an applicant's accommodation is having a significant or exceptional impact or is causing an applicant's mental or physical health.
  - d) An applicant's restricted ability to fend for him/herself in the accommodation which may put them at significant risk due to the physical nature of the accommodation
  - e) The need for adapted housing and/or extra facilities
  - f) The need for sheltered or supported housing due to the impact of their current housing on a medical condition.
  - g) The need for alternative housing as part of a care plan

When assessing whether to award band A or B or no band, the assessing officer will follow the 5-stage process set out below:

1. Is the medical/disability issue serious enough for a priority banding to be considered?
2. If the medical condition is serious enough for a priority banding to be considered the assessing officer should then decide if there is a direct link between the identified medical problem and the applicant's current housing accommodation/situation, i.e. on the facts obtained (from the applicant and any medical information or reports submitted including any advice from an independent medical advisor or OTT) is the officer accept that the applicant's current housing accommodation/circumstances is making their medical condition substantially worse, or will make it worse.
3. In practical terms the officer should consider the adverse effect this has on the applicant's ability to manage day-to-day tasks in their current home. The applicant's current housing accommodation/circumstances may be impacting on their medical condition or disability but not to the extent that an award of band A or band B priority should be granted under the criteria adopted for the policy. The examples listed for an award of band A or band B should be used to guide the officer when making their decision.
4. Before making an award the assessing officer needs to be satisfied that there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly improved through the provision of alternative accommodation.

5. If the officer is satisfied that the impact on the identified medical condition/disability would be removed or significantly improved they would then decide whether to award Band A or B depending on the severity of the impact and using the examples below to guide them.

### **More extensive examples to help the assessing officer to decide if band A should be awarded on medical or disability grounds**

These examples are intended to guide the assessing officer on the threshold set for a band A or band B priority award, or whether no award should be made. They will also serve to help an applicant understand the threshold for a priority award to be given.

The following are examples of cases that may qualify for Band A award. It may apply to the applicant or a member of their household:

1. Applicants who have a progressive, chronic or life-threatening medical condition and cannot be discharged from hospital because they do not have any accommodation, or their accommodation is unsuitable for example, because they cannot access toilet and/or bathing facilities in the property. This will include cases that cannot be discharged from hospital due to their accommodation being unsuitable.
2. Applicants who have a progressive, chronic or life threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user.
3. An immediate life threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage
4. A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care
5. A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care
6. The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g. applicant has severe mental health problems that are significantly exacerbated by their accommodation;
7. A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities, or have difficulty accessing facilities inside and outside of their accommodation and require housing into suitable accommodation
8. Where their current property leaves a person at risk of infection, e.g. where an applicant is suffering from late-stage or advanced AIDs
9. Due to limited mobility a person is unable to access essential parts of the property e.g. bathroom/toilet.
10. A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.
11. Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service.
12. Veterans who have actively served in the armed forces and are suffering from severe post traumatic stress disorder or serious illness directly related to service in the forces

13. People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care.
14. People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs
15. Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability
16. Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition
17. Someone with a medical or disability who's housing has rendered them housebound
18. Where a move would avoid the need for another service (e.g. Social Services) from having to provide a significant level of support. This might include for example residential care; overnight care provision, or other support with similar resource implications
19. Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. This will involve an assessment of the layout of their current accommodation, for example the number and nature of steps, stairs or other hazards that may increase the risk of serious injury
20. Where it is impossible for the person to use essential facilities within the home and no adaptation is possible
21. The applicant or household member requires significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective.

**More extensive examples to help the assessing officer to decide if band B should be awarded on medical or disability grounds**

1. Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation
2. Applicants who have significant mobility issues and would benefit from a move to accommodation that has level access showering facilities
3. Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition
4. Applicants who have a medical need for an additional bedroom for example, because they have been assessed as requiring an 'overnight carer', or they need more space to accommodate a substantial amount of medical equipment.
5. Applicants whose housing is unsuitable for severe medical reasons, or due to a disability, but who are not housebound, or whose health, or safety is not at such a risk level to require immediate urgent housing may be awarded band B
6. Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without long term settled accommodation.
7. A person whose disability means that re-housing would help them to overcome physical barriers created by their current accommodation that they struggle with e.g. stairs and steps.

8. A person with a severe disability requiring some adaptations to their property that cannot be provided for in their current accommodation.
9. Where an applicant can access their home, but struggles to access normal day-to-day facilities within it (e.g. bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort. This would include cases where an adaptation is possible but cannot be undertaken in a reasonable period of time. (Note: any priority would be removed if an adaptation is completed, or work started)
10. An applicant is suffering from a long-term mental illness that is being exacerbated by their accommodation. There will normally not only be GP involvement, but other specific mental health support already provided.
11. Where an applicant is only not housebound due to significant support that is available to enable them to get out of their accommodation
12. An applicant or member of their household with a terminal illness, or long term medical debilitating condition, whose current accommodation is not necessarily having a significant impact on their condition but where it is agreed by the council that their quality of life would be significantly improved by moving to alternative more suitable accommodation, or accommodation that is nearer to support that is essential for their well being.

## **Appendix 2 – Definition of Terms**

Accessibility – Used here the term refers to how ‘user friendly’ the service is to all people who may want to use it.

Adapted Property – Property that is suitable for those with a physical disability i.e. where a stair lift has been fitted.

Automatic Bidding – Within the ICT system a means of expressing an interest in a property for someone, without making the bid themselves.

Banding Scheme – The method by which customers are prioritised for social housing (previously ‘points schemes’).

Bidding – The term used to describe people who register an interest in a property (no money is involved in making the bid).

Choice Based Lettings (CBL) – The system of letting property that gives customers choice in where they live through advertising property.

Housing Register – One list for all of Cumbria of people applying for social housing (previously ‘housing waiting lists’).

Applicants – Those people applying to the scheme for housing.

Effective Date – The date used to decide between customers in the same Band to establish who has waited longest.

Fully Occupied – Bedrooms in the property that are being fully used in terms of the household occupying the property in accordance with the table in Appendix 6. When they are not fully used the property could be considered under occupied.

Hard to Let – Low demand property where it takes longer to find a tenant.

Housing Options – A term used to describe a service that advises customers of all their choices and includes mutual exchanges, low cost home ownership and renting in the private sector.

Letting Policy – The means by which it is decided how property will be offered to customers.

Local Lettings – Policy made in local areas (to tackle specific, identified housing management issues) on how property will be offered that differs in some part from the overall scheme policy.

Management Discretion – Property that is offered directly to an identified person without being advertised.

Partnership – The name for the District Councils and housing associations that have funded, developed and continues to operate the scheme.

Proxy Bidding – a Local Authority or Registered Provider places bids on the customer's behalf.

Social Housing Providers – The term for a variety of housing organisations that provides not for profit housing and included local authorities, housing associations.

### **Appendix 3: How any local lettings policy will be applied and reviewed**

Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities.

They will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development, or may be applied to a parish or a village in a rural area). Each local lettings policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan or the need to provide housing for local people in rural villages and parishes, or evidence from the Local Housing Authority internal departments i.e. environmental health).

The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.

- 1) Age restrictions.
- 2) Prioritising applicants who are key workers, as defined by the CCP.
- 3) Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
- 4) Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
- 5) Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
- 6) Ensuring that there is a balance of working and non-working households allocated to a scheme.
- 7) Enhanced local connection restrictions relating to a specific parish.

New developments will normally have local lettings policies (depending on the planning permission or agreement reached these may apply to first lettings only or be ongoing) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.

In order to ensure a reasonable mix of household sizes and types, and families with children of different ages, a local lettings policy will normally be used for new developments larger than four properties. The local authority may set restrictions on the number of lettings, which can be made to families with young children, for example, or the number of families who are not working.

## **How will a local lettings policy be assessed and agreed?**

The process for agreeing local letting policies may differ across the Cumbrian region. In some districts the decision is made by the Council and in other districts the decision is for the stock holding CCP partner in consultation with the Council.

There must be a clear evidence base for adopting a local lettings policy. The following framework will be used to decide whether a local lettings policy is appropriate:

- 1) That there is a clear definition of the objective to be achieved by that particular local lettings policy.
- 2) That there is a clear evidence base to back up the need for a local lettings policy.
- 3) That any potential equality impact has been considered.
- 4) How long the local lettings policy is intended to operate.
- 5) When the local lettings policy should be reviewed.

A written record of each policy adopted or rejected should be kept.

It is the intention that local lettings policies will be fluid with new policies being added as are required and existing policies being deleted once the objective for that policy has been met. Local lettings policies must be approved by the exceptions panel before they are applied.

All local letting policies will be reported to the CCP Board who will discuss any policies where there is any dispute over the wish to apply a local letting policy.

The intention is for all current local lettings policies to be listed as a link to the on-line version of this policy so the public can see which policies are in operation at any point in time. In addition any property advert will state whether there are any local lettings restrictions or criteria.

## **Appendix 4: Definition of a reasonable offer**

A refusal of an offer of the correct size and type will normally be considered unreasonable.

### **Guidance on reasonable and unreasonable refusals:**

#### **1) Property size**

The property must be the appropriate size for the household's needs at the time of making the offer. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.

It is the applicant's responsibility to ensure that they register any change in their circumstances that will affect the number of bedrooms to which they are entitled.

Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the lettings standard, this will normally be considered to be an unreasonable refusal unless the applicant provides new medical information at the offer stage that is accepted by the CCP.

#### **2) Property type**

It will not be considered to be a reasonable refusal due to a dislike of the property type. Therefore an applicant cannot reasonably refuse an offer because for example, it is in a tower block, it does not have a garden or a particular heating system, it is on a wrong floor, or does not have a lift. If the applicant states medical grounds for refusing the property, these should already have been disclosed and considered as part of the assessment of their application, unless new information is submitted that is accepted by the CCP.

Where specialist accommodation is offered to a household inappropriately, this is considered to be a reasonable refusal. This may be for example:

- a) Offers of wheelchair standard housing to households which do not have wheelchair users
- b) Offers made to disabled applicants which are unsuitable for their needs, for example where they are unable to open a door entry system because the doors are too heavy
- c) Offers of sheltered housing where the applicant is not of the appropriate age.

#### **3) Property condition**

Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the voids team decides to withdraw the property from letting for further works to be carried out.

#### **4) Area of choice**

Where the offer is not within one of the applicant's specified areas, the refusal will not be considered to be reasonable. It should also be noted that where an applicant is made a direct offer such as: where the applicant has been assessed as being statutory homeless and are owed a statutory homeless duty, area of choice will not apply.

#### **5) Racial harassment**

Where an applicant from a black or ethnic minority household refuses the property prior to viewing because the previous tenant was rehoused as a result of racial harassment, or there is a known problem of racial harassment in the vicinity of the property, the refusal is considered reasonable.

#### **6) Choice of landlord**

An applicant receiving a direct offer cannot choose whether they are rehoused by the Council or by a Housing Association or a specific Housing Association. Therefore, any refusal of Housing Association property because, for example, there is no Right to Buy, or Right to Acquire, or the rent is higher than another social landlord will not be considered to be reasonable (unless in the example of the rent level the assessment is that the offer is unaffordable for the applicant in question).

#### **7) Pets**

One of the conditions of the tenancy agreement is that a tenant must obtain the written consent of the landlord before keeping domestic pets.

Any intention to keep a pet must comply with the Council's or partner Housing Association's tenancy terms and conditions, which means that permission must be sought and agreed prior to signing the tenancy agreement for the property. Therefore any refusal on the basis that permission has not been granted to keep a pet is not reasonable.

## **Appendix 5: Contact Details for all Partner Organisations**

Accent Housing Association  
Ambassador House  
Dalton Road  
Barrow-in-Furness  
LA14 1HZ  
Tel: 0345 6780555

Allerdale Borough Council  
Allerdale House  
New Bridge Road  
Workington  
CA14 3YJ  
Tel: 03031 231702

Barrow Housing Department  
Town Hall  
Duke Street  
Barrow-in-Furness  
LA14 2LD  
Tel: 01229 876550

Carlisle City Council  
Civic Centre  
Rickergate  
Carlisle  
CA3 8QG  
Tel: 01228 817200

Copeland Borough Council  
The Market Hall  
Market Place  
Whitehaven  
CA28 7JG  
Tel: 01946 598300

Eden District Council  
Mansion House  
Friar Gate  
Penrith  
CA11 7YG  
Tel: 01768 817817

Eden Housing Association  
Blain House  
Bridge Lane  
Penrith  
CA11 8QU  
Tel: 01768 861400

Home Group  
PO Box 115  
Duke Street  
Whitehaven  
CA28 0BT  
Tel: 0345 1414663

Impact Housing Association  
Nook Street  
Workington  
CA14 4EH  
Tel: 0344 8736290

Riverside Housing Association  
English Gate Plaza  
Botchergate  
Carlisle  
CA1 1RP  
Tel: 0345 111 0000

South Lakeland District Council  
South Lakeland House  
Lowther Street  
Kendal  
LA9 4DQ  
Tel: 01539 733333

South Lakes Housing  
Bridge Mills Business Centre  
Stramongate  
Kendal  
LA9 4BD  
Tel: 0300 303 8540

Castles and Coasts Housing Association  
3 Castle Street  
Carlisle  
CA3 8SY  
Tel: 0800 0851171

**Appendix 6 - Household Type and Property Size – *This will need to be amended according to the overcrowding rules that the CCP want to adopt as discussed in overcrowding section of the section 4 banding table***

This table provides guidance on the size of home that different types of household can bid for on Cumbria Choice. This is supplemented by the more detailed information which each housing provider places in individual advertisements and in guidance published on the Cumbria Choice website.

Household	Bedsit	1 bed	2 bed	3 bed	4 bed	5+bed
Single person			D	D		
2 Adults (couple including same sex couples)			D	D		
2 Adults (non couple)			 *	D		
Single 1 child				D		
Single 2 child						
Single 3 Child						
Single 4 or more children						
Couple 1 child				D		
Couple 2 child						
Couple 3 child						
Couple 4 or more children						

**NB** *Households with access to children will not be able to include them as part of the household when looking at eligibility for property size. See section 2.1 Households with access to children/joint custody.*

## Key



Number of bedrooms allowed for this household type



Number of bedrooms allowed for this household type, subject to the ages of the children.

Two children under the age of 10 are usually expected to share a bedroom.

Two children of the same sex are usually expected to share a bedroom until they are 16.

Once a child is 16 a separate bedroom is allowed.

D

Allowed by discretion only when stated in the advertisement.

This is most likely to apply in one of the following circumstances:

- There is low demand for the type of property in the location
- There is lack of supply of smaller homes in the location
- A local lettings or s106 policy applies

\*

Some providers may only allow households with children to bid on houses

## **Appendix 7 - Right to Move Qualifying Criteria**

To meet the Allocation of Housing (qualification criteria for the Right to Move - England) Regulations 2015, a local connection may not be applied to existing social tenants seeking to transfer from another local authority district in England who: -

- Have reasonable preference under Section 166(3)(e) because of a need to move to the Local Authority's district to avoid hardship, and
- Need to move because the tenant works in the district, or
- Need to move to take up an offer of work

### **QUALIFYING CRITERIA**

This applies to existing social housing tenants: -

- Who need to move within a Local Authority area or to another local authority area to avoid hardship, and
- Who need to move because the tenant works in the district, or
- Who need to move to take up an offer of work?

What the Local Authority should take into account: -

Need to Move:

Tenants must need to move, not simply want to move. Factors to consider in determining `need` are: -

- The distance and/or time taken to travel between home and work.
- Availability and affordability of transport as against earnings.
- Nature of the work and whether similar opportunities are available nearer home.
- Other personal factors, for instance medical conditions, child care
- Length of work contract.
- Would failure to move mean a lost opportunity to improve employment circumstances or prospects?

Work:

`Work` only qualifies as `work` if it is not: -

Short term:

- Consider whether the work is regular or intermittent (particularly relevant for the self-employed).
- Consider the period of employment – a contract of less than 12 months could be considered short-term.

Marginal:

- Less than 16 hours per week could be considered marginal
- Consider the level of earnings.

Voluntary:

- Unpaid, or expenses only.

Ancillary:

- That is, if the person works occasionally in another local authority area, but main place of work is a different area, the work is excluded.

### **Verification and Evidence**

The tenant must be able demonstrate that he/she has a genuine job offer and that he/she has a genuine intention to take it up.

Appropriate evidence could include: -

- A formal offer letter.
- A contract of employment.
- Wage/salary slips covering a certain period, or bank statements (zero hour contracts).
- Tax and benefits information, for example proof of receipt of working tax credit.

**Appendix 8: Person(s) Who Will Take Specific Decisions** *this will be added to the final policy*

**Appendix 9: How major changes will be considered by each of the 6 Cumbrian Councils** *Will be added to the final policy*

**Appendix 10: The revised Equality Impact Assessment June 2020**

his is attached to the policy as a separate document given its length. A copy can be emailed on request.

## **Appendix 2: CUMBRIA CHOICE: REVISED HOUSING ALLOCATIONS SCHEME EQUALITY IMPACT ASSESSMENT (EQIA) JUNE 2020**

Date approved	June 2020
Approved by:	
Next Review Date:	

### **Background**

Under Part VI of the Housing Act 1996, every local authority is required to adopt a 'Social Housing Allocation Policy', the purpose of which is to determine priorities in allocating housing and to set out the procedures to be followed. The Allocation Scheme determines individual priority for housing. In June 2020 the 'Cumbria Choice' Allocation Policy was reviewed and a number of changes made. Cumbrian Choice is the adopted social housing allocation policy for all 6 Cumbrian local authorities.

Cumbria Choice is a sub regional partnership between the 6 local authority districts and 8 'Registered Provider' housing associations that own social housing stock across Cumbria.

The revised policy was subject to a public consultation from 23<sup>rd</sup> April 2020 ending on 21<sup>st</sup> May. The consultation involved:

- Sending out a detailed consultation survey (attached at appendix 1 with a summary of the consultation responses). This was sent out with a copy of the draft policy.
- The survey and draft policy was sent to all relevant stakeholders including specialist organisations working with groups and individuals owed a protected characteristic including organisations working with disability, mental health, domestic abuse, older persons and race. In total over 350 stakeholders and individuals were sent the survey
- The survey was also sent to a group of service users who had previously indicated that they would like to be involved in the consultation exercise.
- The survey was also posted on the Cumbria Choice Website so that anyone registered could make comments.

This Equality Impact Assessment (EQIA) and has been finalised in the light of the consultation responses.

Comments received were logged and considered against the policy proposals. Some minor changes have been made as a result of the consultation. The changes were strongly supported by stakeholders who responded to the survey.

Under the Equality Act 2010, when adopting a new Allocation Policy a local authority is required to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by, or under the Act
- b) Advance equality of opportunity between those with a protected characteristic and those without
- c) Promote good relations between those with a protected characteristic and those without

The 'protected characteristics' in law are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination. The equalities impact assessment set out below, has considered the impact of the changes to the Allocation Policy on the protected groups and, where there is an impact, set out the justification for continuing with the policy change along with the actions that will be taken to reduce any impact that has been identified.

**The key objectives for reviewing the social housing allocation policy are:**

- a) To continue to support local people most in need of housing in Cumbria
- b) To simplify the policy so that it is easier for customers to use, is transparent, and is accepted by customers as a fair way to allocate social housing when it is often in short supply.
- c) To ensure the policy contributes towards creating mixed and sustainable communities where people of different backgrounds and socio economic groups live side by side including the need to the problem in some areas where there is not as high a demand for social housing as there is in other parts of Cumbria.

**Details of the changes to the 'Cumbria Choice' policy**

There were a number of important changes proposed and these are explained below using the explanation set out in the consultation survey.

### **1) We want to reduce the number of Bands from 5 to 3**

The Cumbria Choice Partnership has received regular feedback from users and stakeholders that the allocation policy is too complicated and confusing. One of the main concerns expressed is that customers do not understand why there needs to be 5 Bands and inevitably this encourages 'higher band chasing' which, in turn, increases the officer time needed to administer the scheme.

The proposed solution is to move to a simple 3-band system with the time a person joined the register determining their place in the queue for the band they have been allocated.

Band A will be for the most urgent housing need cases that need to move quickly.

Band B will be everyone else that the legislation states has a statutory housing need.

Band C will be everyone else.

This aim of this simple change is to build trust in the system as it will become more of a 'waiting list' queuing system recognised by everyone using it as a fair way to allocate a limited resource where there is often over demand for certain property types or areas.

### **2) We intend to keep an 'Open Register'**

Many local authorities restrict their Housing Registers so that only customers who are assessed as having what is called by the allocations legislation 'a statutory housing need' can join the register

We intend to continue to operate an open register in Cumbria. Everyone will still be able to register regardless of whether they meet the definition for a statutory housing need (unless there is evidence of serious unacceptable behaviour or significant former rent arrears). Those customers who are not assessed as having a statutory housing need will be placed in the Band C. This still means they have a chance of being housed but when they bid for accommodation they will be 'shortlisted' below customers from the higher statutory housing need bands A and B. We think this is a fair system that gives everyone some chance of being considered for social housing.

### **3) We are adding to, and amending the qualification rules for when a customer is able to join the Housing Register**

The current policy has a number of qualification rules that decide whether an applicant will be allowed to join the Housing Register in Cumbria. We are amending some of the rules regarding when a customer can qualify to be included on the Housing Register, and in addition creating a rules for when a customer can qualify for Band C but not for the higher needs Bands A and B. We want to know what you think of each of these qualification rules. They are set out in the table below with an explanation for what we are trying to achieve.

Two of the key rule changes relate to customers where there is evidence of former social housing rent arrears or unacceptable behaviour. The objective is to be much clearer with customers what they have to do to resolve the issue in question but to discourage some previous practices whereby they may be 'arbitrary blocked' from being considered for social housing. The new rules mean fewer will be disqualified but they will not be offered social housing until they have demonstrated the changed behaviour required to be considered to be a good tenant.

<p>Qualification rule 1 – Local Connection</p>	<p>It is proposed that the Policy will restrict access to the high housing need Bands A and B to customers who can evidence a local connection with Cumbria. This would prioritise Cumbrian households for the higher 2 bands but there would be exceptions for people without a local connection if they were homeless or victims of domestic violence.</p> <p>Therefore to qualify for Bands A or B the customer must have a local connection with Cumbria. This could be set as:</p> <p><b>Option A:</b></p> <ul style="list-style-type: none"><li>a) Living in Cumbria for the last year, or 3 years in the last 5</li><li>b) Having close family living in Cumbria</li><li>c) Working in Cumbria as long as this isn't casual work.</li></ul> <p><b>Option B</b></p> <ul style="list-style-type: none"><li>a) Living in Cumbria for the last year, or 3 years in the last 5</li><li>b) Having close family living in Cumbria that provide essential support</li><li>c) Working in Cumbria - defined as Employment is defined as paid employment for 16 hours or more per week for a period of one year, or self-employment where an applicant can demonstrate that the self-employed work they perform is in the Cumbria area and is on average 16 hours a week or more.</li></ul>
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	If the customer doesn't meet one of the above they can still register but will be placed in band C
Qualification rule 2: The requirement to give permission to obtain and share an applicant's personal information	Unless the customer gives permission to enable enquires to be made to assess their application and circumstances, they will not be able to qualify for the housing register. This is to combat possible fraudulent applications.
Qualification rule 3: Homeownership or legal interest in home ownership	If the customer owns their home they will either a) not be able to qualify to be included on the register, or b) will not be able to qualify for Bands A or B but would still be allowed to be placed into Band C. We would like your views on this rule and if you support it which should it be a) or b)?
Qualification rule 4: Financial resources	<p>If the customer earns above a set net income or has savings above a set threshold they will either not be able to qualify for the register or will not be able to qualify for Bands A or B but would still be allowed to be placed in Band C despite their income or savings.</p> <p>We would like your views on which option should be included and if you support income or savings thresholds what these should be?</p>
Qualification rule 5: Failure to Bid	Many customers once they register don't bid for the properties advertised. We think that if someone hasn't made one bid in 12 months that they should be removed from the register. This will cut down on the time and costs in administering the housing register. This rule would not stop a customer from reapplying at a later date.
Qualification rule 6: Fraud or giving False Information	If someone has lied or withheld information in an attempt to get social housing we think they should not be able to register, or if they are already registered and we discover they have led or withheld information they will be removed from the register. This would be serious cases of lies or withholding information that were intended to obtain social housing by deceit.

<p>Qualification rule 7: Circumstances where an applicant has current or former social housing rent arrears or another relevant recoverable housing related debt</p>	<p>This rule in the current policy is being amended to help customers who have former social housing rent arrears or housing related debt to be able to obtain social housing.</p> <p>For customers with serious rent arrears it will continue to be the case that they cannot qualify for the housing register until they have reduced the debt to a level we agree is reasonable.</p> <p>However, for customers who owe less than £1000 they will be able to qualify and be banded for their assessed housing need but they will not be offered a property until they have resolved the debt to a level we think is reasonable in the circumstances. There will be clear criteria for what they have to do to resolve the issue and they will continue to 'move up the queue for their band' so they have not 'lost out' whilst resolving the debt.</p>
<p>Qualification rule 8: Serious unacceptable behaviour</p>	<p>This rule in the current policy is being amended to encourage customers to tackle any unacceptable behavior issues, or ASB issues before they will be able to be considered for an offer of social housing.</p> <p>For customers with a history of serious unacceptable behavior that has not been resolved when they apply to join the housing register it will continue to be the case that they cannot qualify for the register until they have resolved the problem to the satisfaction of Cumbria Choice. That is not a change from the current policy.</p> <p>However, it is proposed that customers presenting with more minor issues that are assessed as needing to be resolved will be allowed to qualify and will be banded for their assessed housing need. However, they will not be offered a property until they have resolved their behavior to a level that will give us confidence that they will be good tenants in the future.</p> <p>There will be clear criteria for what they have to do to resolve their behavior and they will continue to 'move up the queue for their band' so they have not 'lost out' whilst they resolve the problem.</p>

<p>Qualification rule 9: CCP Tenants not assessed as Band A or Band B Housing Need</p>	<p>Existing Housing Association and Barrow Council tenants who have a housing need will be able to join the Housing Register. However, there is a problem in existing tenants who do not have a housing need wishing to transfer to another social housing property. Each transfer costs the social housing landlord thousands of pounds in costs to re-let the property. We think that tenants who do not have a housing need should still be able to seek a transfer through the Mutual Exchange Scheme but not through the housing register.</p>
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**4) We are making the rules clearer regarding when a direct letting outside of the choice based letting system will be allowed.**

The current policy on making a 'direct letting' will be made clearer regarding when a direct let will be allowed. The Policy intention is that direct lets should account for no more than 10%-15% of all lettings to preserve the integrity of the choice based letting system.

The main examples of when a direct offer will be considered due to exceptional reasons are:

- a) Urgent housing need situations where it would not be reasonable in the circumstances to wait for the Choice Based Lettings process to produce an offer such as a threat to life in the area in which an applicant currently lives.
- b) Tenants of a Cumbria Choice Partner in emergency cases whose homes are damaged by fire, flood or other disaster
- c) Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty and the Cumbria Choice Board agree with a request from a Partner Council to allow direct lettings to move applicants out of temporary accommodation in order to manage any budgetary or legal impact.
- d) Where a vacant adapted property or a property designed to disability standards becomes available and there may be a need to offer that property to an applicant whose disability need best matches that property, regardless of the date they were registered.
- e) Other examples include cases where an applicant is subject to 'Multi Agency Public Protection Arrangements' (MAPPA), or may present a risk to themselves or others

**5) We are proposing a penalty for applicants who refuse 3 reasonable offers in a 12-month period.**

All applicants will continue to qualify for 3 reasonable offers in a 12-month period. If an applicant in the high need Bands A or B refuses 3 reasonable offers in that 12 months they will be 'downgraded' to Band C for 12 months. This is to stop applicants bidding for properties they are not committed to taking which has the consequence that properties take longer to let and cost the social housing landlord money in lost rent. The definition of a reasonable offer is clearly set out in the new policy.

**6) We are proposing to remove the 'Cumulative Need' rule from the Policy**

We propose to remove the 'cumulative housing need' rule from the scheme to make the scheme more transparent for customers and easier to understand and to administer. Under the current policy customers who have two or more of the housing needs as listed in Band C are 'promoted' into Band B. This is called the cumulative need rule.

Under the new policy we propose that an applicant who meets 2 of the housing need criteria for band B will still only be awarded band B and not promoted to Band A. The old policy of cumulative need has been extremely hard for officers to assess and results in people constantly requesting that their circumstances reassessed in the hope of qualifying for the higher band.

**7) We are setting out how we propose to give choice to registered customers who have a local connection with the local authority area where a vacant property is advertised whilst at the same time encouraging mobility across Cumbria**

We want to encourage mobility by allowing everyone registered to be able to bid for most of the properties advertised regardless of whether they have a local connection with the local authority area where the property is vacant. There will be exceptions, for example where there is a new development under a section 106 Planning Agreement that requires tenants to have a close local connection.

However, to ensure that properties are prioritised for customers who have a local connection to the area where the property is advertised we intend in the first instance to shortlist customers who have bid and have a local connection to the Council area where the property is advertised. We think this is a fair process and protects areas of higher demand for residents who have a connection to an area, but at the same time encourages customers to be more mobile in contemplating moving across Cumbria as if no one with a local connection bids then the customer who has a connection to Cumbria but not to the particular Council area will then be considered for that property based on their band and date in band.

**8) We intend to expanded criteria for when a customer will qualify for the statutory housing need bands A and B and have set out clearer criteria for when a band will be awarded to ensure assessments are always consistently applied.**

The criteria for when a customer will qualify for the Housing Need Bands A and B will be expanded and made far clearer. This will make it easier for applicants and their representatives to understand if they qualify, and far easier for officers assessing their case to make consistent and timely decisions regarding whether a customer qualifies for a high needs the Band A or B.

**The Equality Impact Assessment (EQIA)**

This EQIA considers the changes to the Allocations Policy and assesses their impact on those applicants/households within the protected characteristic groups. The assessment considers whether an impact that is identified is considered to be a positive, negative or neutral impact. Where negative the EQIA sets out what steps have or will be taken to reduce that impact.

**Data, guidance and evidence used to assess the EQIA**

This assessment has been drawn up using a broad range of data available to officers about applicants on the Housing Register. In addition to the legislation and case law governing allocations, regard has been had to the government guidance on the allocation of housing, the Equality Act 2010 and recent case law on the operation of Section 149 of that act.

It is recognised that the current 'Cumbria Choice' scheme does not have a comprehensive set of data for the households on the housing register and for those rehoused. This is, in part, due to the limitations of the current operating system to develop comprehensive monitoring and performance reports. Raw data can be captured but has not been configured into reports based on the protected groups. This is a critical task for the project plan implementing a new IT operating system. A further problem with the data is that a large number of applicants fail to complete the personal data section of the application form.

Moving forward Cumbria Choice needs to be able to monitor those on the register who are bidding for properties as well as those applicants who are housed under the policy. This will allow the local authorities and partners to analyse if those housed by each protected group is proportional to the proportion from each group registered.

A new IT operating system is being purchased. To ensure that Cumbria Choice has better information to review the EQIA in the future the following actions will be taken:

- 1) The on-line applicant form will be amended to encourage more applicants to fully complete the relevant sections,
- 2) Officers will, on contact with an applicant, request any applicant who has not completed the personal information section to do so.
- 3) Changes will be made to the home page for the applicant's on-line account to show a message explaining the importance of providing the information.
- 4) At the point all applicants are written to asking them if they wish to remain on the Housing Register they will be prompted to complete the personal data section

The data that does exist indicate that the following groups are over-represented in the high priority groups on the Housing Register:

- Families with children
- BME households
- Households with disabled or long-term health problems.
- Female headed households

Research shows that this is common for all local authority allocation schemes and is explained by socio economic factors and poverty.

The new EQIA assessment is set out in the table below and has been structured to consider:

- a) Part A - Firstly, each Individual protected group in the context of the changes, and then
- b) Part B - The changes in the context of their impact on all of the protected groups

### **The consultation responses summarised**

All 8 changes proposed were strongly supported including each of the 9 qualification rules set out in change 3. A number of changes have been made as a result of the consultation feedback. These amendments include:

- a) Allowing applicants where it is agreed need to move from one Cumbrian Council district to another due to domestic abuse, the same priority in any shortlist as an applicant who has an established local connection to the area where a property is advertised.
- b) Making the criteria clearer for an applicant with housing debt as to when they may qualify for the housing register with no penalty, and where a penalty is applied more clarity on the criteria to be applied for the actions needed to resolve the debt so that they may be considered for an offer of social housing
- c) Helping to define which keyworkers should be given band B priority under the scheme.

**Part A – Consideration of each Individual protected group in the context of the changes**

Protected characteristic	Potential issue where there may be a positive or negative impact	Impact Judgement + / -	Observations and Recommendations	Relevant comments or Action/s to reduce any impact
Age				
	<p>The scheme will require applications to be made on-line as opposed to submitting a paper form.</p> <p>The impact could be that older people are less able to use an on-line application form and the system of bidding for properties through choice based lettings</p>	Negative	<p>On-line applications have been the preferred method for the vast majority of residents in Cumbria to make their applications, but in some areas applications are still made by way of a paper form.</p> <p>To mitigate any impact it is agreed that each partner will assist older and vulnerable people to:</p> <ul style="list-style-type: none"> <li>➤ Fill out their on-line application and</li> <li>➤ To make bids under CBL</li> <li>➤ Plus paper forms will still be available in exceptional circumstances where it is agreed an applicant is unable to complete an on-line form</li> </ul> <p>On-line applications and CBL bidding on-line has been operating for several years. There is no evidence reported from applicants or stakeholders that customers are experiencing difficulty in applying for accommodation, or using the CBL system</p>	<p>The new website FAQs section will be amended to inform applicants that help is available if they are having difficulty in using any of the online application and bidding processes.</p> <p>The intention is to add a web chat option on the website to</p>

				further help applicants
	<p>There is evidence nationally that younger people find it easier to access services online rather by filling out forms. Young people may be disadvantaged by a system where access is by paper form</p>	Positive	<p>It is reported by partners re the age profile of the Housing Register, that the majority of applicants are under 40. Delivering the application and bidding system on line is an advantage to younger people</p>	No additional comments
	<p>Seeking to deliver more of the application process on-line could disadvantage those applicants without internet access and these tend to be older applicants, or applicants most impacted by poverty</p>	Negative	<p>Libraries have free public PC's. There are also free computer training sessions available across Cumbria.</p> <p>Information is available from any CCP partner on the availability of free local public internet access.</p> <p>There are numerous PCs in Council and Housing Association partner offices and the offices of other public authorities.</p> <p>Currently CCP partners report that the vast majority of bids are placed electronically. There are however alternative ways to bid.</p> <p>The office of National Statistics reported that In 2018, 90% of adults in the UK were recent internet users, up from 89% in 2017. 8.4% of adults had never used the internet in 2018, down from 9.2% in 2017. Virtually all adults aged 16 to 34 years were recent internet users (99%) in 2018, compared with 44% of adults aged 75 years and</p>	<p>There is sufficient internet access points and support available in Cumbria to help people without access to the internet.</p>

			over. The majority of the users of the CBL scheme are likely therefore to be confident in using on-line facilities and the scheme has ensured that there are sufficient protections in place for those applicants who are not confident of accessing the service online.	
	Young People - Care Leavers	Positive	Care leavers and young people ready to move on from supported accommodation benefit from the proposals as they are placed in Band A the highest priority Band. This should mean that they are provided with an offer of social housing in a relatively short time period Band A priority is also granted for children assessed as needing an urgent move for child protection concerns, and for residents who need larger accommodation to foster or adopt.	No additional comments
Disability				
	What is the impact of the changes on the housing prospects of applicants with a disability	Positive	The revised policy actively promotes the needs of disabled groups by ensuring that applicants with mobility problems are prioritised for accommodation that is suitable for them.  On the limited statistical information available it is estimated that for the Housing Register as a whole up to 25% of applicants have some level of disability.  Many applicants with a physical disability where their current housing circumstances impact on their disability will be prioritised for housing under the Policy. Disability is recognised in both of the 2 priority bands A and B.  Many applicants with a severe mental health condition and are homeless will be prioritised under the policy through being awarded reasonable preference for being owed a statutory homelessness duty	No additional comments

			The Council is also committed to capturing better information about social housing void properties to classify those that have or can be adapted.	
	How accessible are the application and bidding processes for applicants with a disability?	Positive	<p>The intention is to move to a new IT operating framework. The new website will be developed to ensure that it is fully compliant with all accessibility requirements. Actions that will be explored include:</p> <ul style="list-style-type: none"> <li>a) To ensure that the website is W3C 1.0 compliant</li> <li>b) That information is available on how to adjust type, font size, colour contrast and how to make the applicant's computer speak text aloud.</li> <li>c) To implement a drop down menu for people who need to read information in a language other than English.</li> <li>d) The ability to receive a letter in audio.</li> </ul>	The Council will seek in the future, where the IT allows, to monitor data on the frequency of applicants accessing their account to check whether some applicants are being disadvantaged
Transgender/ Gender reassignment				
	Is there an impact of the policy, or the changes, on transgender/gender	Neutral	Applicants who have undergone gender reassignment – can, as with any other applicant, apply to join the housing register and will qualify as long as they meet the eligibility and qualification criteria.	The scheme will more proactively collect monitoring

	reassignment applicants		The revised policy provides band A priority for applicants who have been subject to extreme harassment. Nationally statistically many people who have undergone gender reassignment report higher levels of harassment.	information for this group but has insufficient data at present
Pregnancy and maternity				
	No further impact identified	Positive	<p>The majority of the Register is made up of applicants that are female-headed households with up to 10% being pregnant (based on national estimates). Pregnant women are more likely to have become homeless due to being excluded from a family home, or homeless due to domestic abuse, or homeless due to being unable to continue to afford the rent on a private rented property once they have given birth given the cost of childcare.</p> <p>The homeless and survivors of domestic abuse are given a high priority for housing under the Policy and therefore pregnant women as a groups are likely to be advantaged and not disadvantaged by the Policy</p>	No additional comments
Race				
	The changes to the residency requirement for banding priority under the Housing Register may	Negative	<p>A residency requirement of 1 year or 3 years in the last 5 to qualify for the higher needs bands A or B will have some impact on, refugees, non-UK nationals and Irish Travellers. The revised scheme has attempted to:</p> <p>Strike the right balance between disadvantage to some groups of a residency requirement and the policy aims of the residence</p>	No additional comments

	<p>impact on refugees, non British nationals and Irish Travellers</p>		<p>requirement, which is to prioritise applicants who can demonstrate a positive commitment to Cumbria through being settled in the area. That is why:</p> <ul style="list-style-type: none"> <li>a) A 1 year qualification has been chosen instead of 2 or 3 years which is the norm for the vast majority of local authorities (based on the national statistical local authority returns to MHCLG)</li> <li>b) The policy still allows applicants without the required residency period to qualify for the register (unlike most local authority schemes), awards them band C and means they may be still be successful in bidding for properties.</li> <li>c) To mitigate any impact the policy is careful to build in exemptions and consideration of exceptional circumstances for applicants who do not meet the residency rules.</li> </ul> <p>This impact and mitigation is considered more fully below in the section on the impact of the Policy changes across all of the protected groups</p>	
	<p>On-line access for making an application and bidding will impact on applicants whose first language is not English</p>		<p>The new Cumbria Choice website will have information for people who need to contact or talk to a partner in language other than English and there is a translation option for the on-line form and accompanying information.</p> <p>This is considered to be a low risk because if a person's command of English is particularly poor they are likely to have access to someone with interpretation skills.</p> <p>The new Policy has been designed to be more 'straightforward' and easier to understand reducing the potential impact on applicants who do not have English as their first language. As is currently the</p>	

			case, Officers can provide advice and assistance for people who may have difficulty understanding the policy	
<b>Religion / belief</b>				
	Is there an impact of the Policy or the Policy changes on applicants with a religion or belief?	Neutral	It can be difficult to distinguish what are factors to do with a person's religion as opposed to their ethnic or cultural origins. At present there is only generalised information for the Housing Register.	There will be more effort on collecting more accurate information in order to be able to assess any impact as the policy and the EQIA is reviewed
<b>Sexual orientation</b>				
	Is there an impact of the policy changes on applicants re their sexual orientation?	Neutral	The revised policy provides band A priority for applicants who have been subject to extreme harassment. Nationally, statistically many people report higher levels of harassment due to their sexual orientation.	More effort will be made on collecting the information in order to be able to assess any impact as the policy and the EQIA is reviewed

Sex				
	<p>Is there any potential gender bias in the changes proposed?</p>	<p>Negative</p>	<p>Females make up the majority of the housing register. This is because women are likely to be the main carers and are more likely as a result to come under one of the reasonable preference categories for a statutory housing need. This is likely to continue.</p> <p>A large proportion of the register is made up of 'female headed' households. The changes will not impact on the proportions of female headed households owed a statutory housing need</p> <p>Married, civil partners and co-habiting couples, same sex couples, brothers and sisters who wish to live together, can make applications.</p>	<p>No additional comments</p>
<p>General comments on impact and safeguards</p>			<p>Overall the changes proposed will have a positive impact for many of the protected groups identified under the Equality Act. Where there could be a negative impact the policy changes have been carefully constructed to keep any negative impact on any group to a minimum.</p> <p>Although it can always be argued that any change that positively impacts on the chances of social housing for one or more protected groups may have a negative impact on another protected group any impact is not considered to be substantial.</p> <p>There is a further protection in that all applicants have a statutory right to seek a review of their housing application if they are dissatisfied with the Council's decision regarding how they have been assessed and the band they have been awarded.</p>	

			The policy has been amended to provide all applicants with the opportunity to submit reasons why they believe their case should be considered for exceptional circumstances and where requested this will now be considered under the statutory review process ensuring senior officer scrutiny of their request and improved consistency in decision making.	
Part B Consideration of the changes in the context of their impact on all or several of the protected groups	All Groups/Several Groups			
	The impact of moving to a simple 3-band system with the time a person joined the register determining their place in the queue for the band they have been allocated	Neutral	<p>This aim of this simple change is to build trust in the system as it will become more of a 'waiting list' queuing system recognised by everyone using it as a fair way to allocate a limited resource where there is often over demand for certain property types or areas.</p> <p>This is assessed as having a neutral impact, as the 2 high need bands A and B are retained and applicants with a protected characteristic dominate these bands.</p>	
	The policy makes changes to the local connection rules impacting on whether an applicant may be awarded a priority band A or B.	Negative	<p>To qualify for the higher priority bands A or B an applicant must have a local connection with Cumbria. This is defined under the new policy as:</p> <ul style="list-style-type: none"> <li>a) Living in Cumbria for the last year, or for 3 years in the last 5</li> <li>b) Having close family living in Cumbria</li> <li>c) Be working in Cumbria as long as this isn't casual work.</li> </ul>	The scheme will analyse the equality profile of households who will potentially be affected by

		<p>Statutory guidance from the Government's MHCLG Department strongly encourages all local authorities to adopt a minimum 2 - year residency test as part of their qualification criteria.</p> <p>In accordance with Government Guidance there is the intention to embrace the idea of giving greater priority to applicants in housing need with a local connection to Cumbria based on residency, employment, or close family. However, the changes have sought to strike the right balance between the potential disadvantages for some groups of a residency requirement set against the policy aims of adopting a residency requirement, which is to prioritise applicants who can demonstrate a positive commitment to Cumbria through being settled in the area.</p> <p>The compromise chosen therefore is a 1 year residency rule to qualify for the higher priority bands A or B instead of 2 or 3 years residency rule to qualify for the register at all, which is the norm for the vast majority of local authorities (based on the data for local authority statistical returns to MHCLG 18/19).</p> <p>A key safeguard is that the policy will still allow applicants unable to meet a 1 year residency period to qualify for the register (unlike most local authority schemes) and they will be placed into Band C. This means they may still be successful in bidding for properties that are in less popular areas</p> <p>Local connection rules including length of residency were overwhelmingly supported in the consultation feedback.</p> <p>Adopting a residency rule is considered as particularly necessary given that the rental market in some parts of Cumbria is an affordable option for those seeking to rent privately in the region. It means that without a rule any applicant can apply for social housing, and their</p>	<p>the proposed changes to local connection rules</p>
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		<p>housing need may attract band A or B priority regardless of the fact that they may have only just moved into Cumbria. This is important for local authorities that have limited access to social housing in areas of high demand and seeks to prioritise limited social housing resources for applicants who have an established connection to the area.</p> <p>The partnership is mindful of any potential impact of introducing local connection rules on applicants who are classified as a protected group under the Equality Act.</p> <p>We are satisfied that the 1 year residency rule, employment and close family connection rules, are a proportionate means of achieving a legitimate aim which is to prioritise people with a local connection without preventing any access to housing for those in housing need without a local connection.</p> <p>The Council is satisfied that it has brought in changes that achieve an appropriate balance and namely that any indirect discrimination of the local connection rules on applicants from a protected group will be minimised through the actions set out below and that any impact is proportionate.</p> <p>The new policy has been careful to build in safeguards and exemptions to the local connection rules and the residency rule in particular. The safeguards include the ability for an applicant to retain their local connection where they have left the area due to:</p> <ol style="list-style-type: none"><li>1) Being in hospital, or</li><li>2) Having to move out of the area for care, or</li><li>3) Being accommodated in supported accommodation outside the district, or</li></ol>	
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		<p>4) Having been placed into temporary accommodation outside of their 'home' district Cumbrian Council, or</p> <p>5) Applicants who are leaving an institution such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme and were resident for 1 year or 3 out of the previous 5 years immediately before they moved into their current accommodation.</p> <p>Exemptions from the local connection rules for exceptional circumstances will also be considered for:</p> <ol style="list-style-type: none"><li>1) Any application from a Gypsy or Traveller household that does not meet the continuous period of residence rule, as the period may have been broken by periods of travelling.</li><li>2) Care leavers below the age of 21 years who are owed a duty under Section 23C of the Children Act 1989 by any local authority Children Services Department and have been accommodated within Cumbria for a continuous period of at least two years</li><li>3) Reasons of safety; i.e. when an applicant is fleeing domestic abuse or hate crime from another area, or<ol style="list-style-type: none"><li>a) Is on a witness protection program, or</li><li>b) Where by not moving to the area this would be detrimental to their wellbeing or cause significant hardship.</li></ol></li></ol> <p>Going forward there is a commitment to monitor and analyse the equality profile of households who will potentially be affected by the local connection rules and in particular the 1 year residency rule.</p> <p>A residency requirement of 1 year will impact to some extent on, refugees and non-UK nationals, Irish Travellers (though safeguards have been built in for travellers). The Council has sought to strike the right balance between disadvantage to some groups of a</p>	
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			<p>residency requirement and the policy aims of the residence requirement, which is to prioritise applicants who can demonstrate a positive commitment to Cumbria Choice and are settled in the area as defined by 1years residence, employment or close family associations.</p> <p>It is likely that for residents who have not resided in Cumbria for more than a year the rule will impact to some extent on BME residents, former asylum seekers and Irish travellers who will not be able to access the higher priority bands A or B until they meet the 1 year residency criteria, or other local connection rule such as employment. It should be noted however, that this will not stop them from bidding with their band C status and they may still be successful in obtaining an offer of social housing.</p> <p>It is also the case that levels of 'inward migration' into Cumbria is relatively low compared to other local authority areas of England.</p> <p>The Statutory Guidance issued by the Government expressly highlights the need for local authorities to take account of special circumstances. The changes on residence achieve this, for example, by protecting people who are moving into the district to escape violence</p> <p>Furthermore, it should be noted that all applicants to the housing register would be equally disadvantaged through the 1-year residency rule.</p> <p>To summarise the impact of the residency criteria is not considered to be substantial and the 6 local authorities have been careful to reduce the impact through the following actions:</p>	
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			<p>1 - The residency criteria is set at 1 year which is the number of years suggested in the Government's own guidance. We have been careful not to adopt a '2 or 3 years or more' residency rule which would have a greater negative impact.</p> <p>2 - The proposed allocations policy recommends that exceptions to the 1-year local connection requirement be made in appropriate cases, such as applicants who have been subjected to domestic violence.</p> <p>3 - By permitting exemptions to avoid hardship, the circumstances of all applicants can be fully considered and the possibility of an applicant suffering any disadvantage avoided.</p> <p>4 - There is an exemption for applicants where there are additional health, welfare or care/support needs that is reliant on the relative being within the area</p> <p>5 - All applicants have a statutory right to seek a review of their housing application if they are dissatisfied with the decision re the band they have been awarded. This provides an applicant with the opportunity to submit reasons why they believe their case should be considered under the exceptional circumstances part of the policy.</p> <p>6 - The Policy includes other ways an applicant can obtain the higher A or B banding for their housing need other than being resident for 1 year. The alternatives are where an applicant is employed in Cumbria for as little as 16 hours a week, or has close relatives living in Cumbria.</p> <p>7- Any disadvantage is only for a relatively short time period until the applicant can evidence residency for 1 year after which an applicant will be allocated the band that fully reflects their housing need.</p>	
	<p>The specific change to include the ability to qualify for households who</p>	<p>Negative or neutral and positive in the longer term</p>	<p>One of the policy aims is to reduce inequality and poverty over the long term by encouraging employment</p> <p>A key aim of this policy change is to encourage those who work in Cumbria to be able to work, live and settle in Cumbria. This is</p>	<p>The scheme will analyse the equality profile of households</p>

	are employed in the area		<p>especially relevant where they are unable to afford to rent or buy and have a housing need.</p> <p>The criteria has been deliberately set as paid employment for 16 hours or more per week for a period of one year, or self-employment where an applicant can demonstrate that the self-employed work they perform is in Cumbria. This recognizes that many women with childcare challenges may only be able to work part time.</p> <p>The policy aim is to make a contribution to rebalancing communities on social housing estates seeking a balance of households that are dependent on benefits and are economically active.</p> <p>There will be little impact on other households who don't work and live in Cumbria Choice and have a protected characteristic, as most of these applicants will qualify for a priority band under the 1-year residency rule.</p> <p>Unlike many other local authorities we have been careful not to build into the shortlisting rules work as a determining factor for prioritising applicants, as this could have a disproportionate impact on applicant's who are not able to work and come under the definition of one or more of the protected characteristics.</p> <p>Many of the mitigating actions and considerations set out in the section on the residency rule above apply equally here</p>	who will potentially be affected by the proposed changes to local connection rules for employment
	The specific change to include under the local connection rules family (normally mother, father,	Neutral or positive	This rule allows an applicant who is not resident or employed in Cumbria Choice to qualify under the local connection rules if they have close family living in Cumbria.	

	brother, sister, son or daughter) that have lived in the area for a minimum of the past five years.		This rule is likely to be positive for those applicants from a relevant protected group who live outside of Cumbria but have close family living in Cumbria and would be unable to qualify for another reason	
	What is the assessed impact of the revised income, savings/assets thresholds on applicants with a protected characteristic under the Equality Act?	Neutral or negative	<p>There were income and savings qualification thresholds under the previous Policy. These have been revised and are:</p> <p>Applicants who are considered to have sufficient financial resources to buy suitable accommodation in Cumbria will not qualify for Bands A or B but can qualify for Band C. 'Sufficient financial resources' are defined as sufficient capital to buy or rent privately; or sufficient income to raise a mortgage to buy or rent privately; or a combination of both. The income and savings limits are:</p> <p>Applicants (both single persons and couples) who have total savings, investments and/or assets of £25,000 or more. Applicants whose total gross household income from all sources exceeds an annual income of £45,000 or more (for single persons) or joint income of £60,000 or more (for couples).</p> <p>Those applicants with savings or income above the thresholds will be able to join the register and will be placed in band C and will also be advised on homeownership options and market and intermediate rent options.</p> <p>Although some applicants from a protected group will be impacted by this policy many other protected group applicants are on low incomes or have no savings and will benefit, because there will be fewer applicants on the register in bands A or B competing for housing.</p>	The Council will monitor the number of applications rejected for an award of the higher bands A or B due to high income levels or savings

			<p>The Council is satisfied that:</p> <p>The new policy contains a wide range of exemptions to the Income and savings thresholds compared to the previous policy and that these exemptions are targeted at applicants likely to be from a protected group based on age or disability.</p> <p>Furthermore, any negative impact on protected groups is reduced by the fact that they will have the income level or savings to obtain an alternative housing solution and by the fact that there is a process in the policy to consider exceptional circumstances.</p> <p>A key safeguard is that the policy will still allow applicants whose income or savings are above the thresholds to still qualify for the register (unlike most local authority schemes) and they will be placed into Band C. This means they may still be successful in bidding for properties that are in less popular areas</p>	
All groups				
	We will continue to operate an open register in Cumbria. Everyone will still be able to register regardless of whether they meet the definition for a statutory housing need (unless there is evidence of	Positive	Although not a change to the policy the continuation of an open register will not impact on the objective that social housing should continue to be prioritized for those applicants assessed as being in the greatest housing need (bands A and B) and that these households are overrepresented by applicants who meet the protected groups criteria.	

	<p>serious unacceptable behaviour or significant former rent arrears). How might this impact on the protected groups?</p>		<p>However, many applicants without an assessed statutory housing need still meet the protected groups criteria. The continuation of an open register is therefore likely to benefit these applicants because they may be successful in bidding for lower demand properties.</p>	
	<p>The new Policy includes the ability to apply local lettings policies</p>	<p>Neutral at this stage. Each local lettings policy will need to consider any equalities impacts before being adopted.</p>	<p>Although this isn't a change to the new policy as local letting policies were always allowable under the current policy, the new policy sets out a clear framework for how these policies will be agreed and requires an evidence base and a strict timetable for reviewing the impact. The equalities impact of local lettings policies had not been assessed fully under the current policy. There will now be a clear equalities consideration as part of the process for agreeing any LLP policy and a clear equalities monitoring on the impact of any policy.</p> <p>Local lettings policies have the potential to have an impact on the housing prospects of a number of disadvantaged groups. Such a policy restricts allocations within a small geographical area in order to achieve certain policy and good management outcomes. An example might be lower child densities in certain block or road, or to restrict the number of vulnerable people allocated accommodation in a block where there are already a number of people housed with complex needs and there is evidence that the number is causing</p>	<p>We will fully consider the equalities impact of any local letting policy in deciding whether to approve any LLP and will then monitor the on-going impact</p>

			<p>housing management issues for a landlord and impacting on other residents.</p> <p>The Allocations Policy is framed to allow for individual lettings plans to be developed and approved on a case-by-case basis. Each local letting plan will have to have an evidence base and be approved through a clear transparent process. Any equalities impact must be considered as part of the assessment process when deciding whether on not to approve a local lettings plan.</p>	
	<p>Applicants with former/current rent arrears or serious unacceptable behaviour who are assessed as being in housing need will be assessed as either non qualifying or allowed to qualify but not allowed to bid until the issue has been resolved.</p>	<p>The changes will have positive implications</p>	<p>Applicants with former/current rent arrears or serious unacceptable behaviour that are in housing need will be assessed as either non qualifying or allowed to qualify but not allowed to bid until the issue has been resolved.</p> <p>This isn't a change to the Policy but a clarification of how these rules will be applied. Under the previous policy section an applicant could be disqualified for former rent arrears or unacceptable serious behaviour. The previous policy lacked clarity resulting in some applicants being 'stuck' and unable to access social housing due to previous rent arrears or behaviour but a lack of clarity for how the policy would be applied and what an applicant needed to do to resolve a problem led to inconsistency in the application of the policy. Many applicants where the policy was applied would be in a protected group.</p> <p>Changes have been made that will benefit these applicants. These are:</p> <ul style="list-style-type: none"> <li>a) Much clearer criteria for when an applicant will or will not qualify</li> <li>b) Exemptions and exceptional circumstances consideration built into the Policy.</li> <li>c) Agreement with the Registered Provider housing associations on the approach to take regarding when an applicant should be</li> </ul>	<p>The number of households impacted by policy will be carefully monitored</p>

			<p>considered for an offer accommodation in respect of what 'resolving their arrears or unacceptable behaviour means. This will mean fewer applicants are 'stuck' with no solution.</p> <p>d) Where applicants qualify but are unable to bid until the matter has been resolved they will be allocated the correct band for their housing need and will continue to accrue 'time in band' priority which will be an advantage to them when they have resolved the issue.</p> <p>Although the housing related debt and unacceptable behaviour rules will impact negatively on some applicants from a protected group we are satisfied that:</p> <ul style="list-style-type: none"> <li>➤ The rules are a proportionate means of achieving a legitimate aim which is to ensure that new tenants pay the rent and resolve previous housing debt owed to a social landlord, or resolve unacceptable behaviour, and</li> <li>➤ The changes that achieve an appropriate balance with safeguards and exemptions so that any indirect discrimination on applicants from a protected group has been minimised through the safeguards introduced in the new Policy and are proportionate.</li> </ul>	
	Making direct lets /sensitive lettings outside of the CBL system in certain circumstances	Positive for the protected groups of sex, disability	The revised Policy allows more flexibility in certain circumstances to make the best use of the housing stock. The vast majority of general needs properties will continue to be allocated via choice based lettings but there will be times when a housing association or Council needs to directly match a property to an applicant.	A target figure of no more than 15% has been set to ensure that the integrity

		<p>and sexual orientation</p> <p>Neutral for the other groups</p>	<p>The policy lists the circumstances when a direct letting may be applied and includes MAPPA, MARAC or other sensitive lets or where there is a need to move due to extreme risk of domestic violence or harassment or witness protection.</p> <p>Where direct lets are made in sensitive circumstances this is often where an applicant may be a victim of domestic abuse or is being harassed or has complex needs. A direct sensitive let will allow the best match to be made depending on the circumstances and needs of a particular applicant. This is an advantage to a number of protected groups for disability, sex (women are more likely to be victims of domestic abuse)</p> <p>For the other protected groups making direct lets outside of the policy band and date order will have a minimal negative impact as these will only be made in limited circumstances</p>	<p>of the CBL system is retained. The percentage of direct lets will be carefully monitored</p>
	<p>If an applicant in the high need Bands A or B refuses 3 reasonable offers in that 12 months they will be 'downgraded' to Band C for 12 months</p>	<p>Negative</p>	<p>Applicants in Bands A or B who refuse 3 offers following a successful bid or direct allocation will be downgraded to Band C for a period of 12 months.</p> <p>We will implement clear operational procedures for the assessing officers to take into account people with mental health or support needs where their condition may impact on their behaviour and their ability to keep appointments in the normal way. Officers will look at the individual circumstances for all applicants before applying the rule.</p> <p>An additional safeguard is that the new Policy clearly defines what a reasonable offer is. This will ensure consistency in the application of the refusal policy.</p>	<p>Regular analysis of the number and needs of applicants downgraded to Band C because they refused 3 reasonable offers will be needed to ensure that specific groups are not being</p>

			<p>The view is that allowing an applicant to refuse 3 reasonable offers before being downgraded to Band C is a reasonable compromise between allowing choice and managing re-letting times for the partners. It is not expected that many applicants will have the rule applied, as having the rule in place will focus applicants on seriously considering any property they bid for.</p> <p>It is also likely to be positive in that some applicants in a high band who are in a protected group refuse offers of accommodation waiting for what they perceive to be the 'perfect' offer. This leaves them in unsuitable housing for a longer period of time. This policy will help tackle this problem</p> <p>Where an applicant is owed a homeless duty 1 suitable offer will end the homeless duty (this is required by the homelessness legislation) but they would still be able to receive 2 more offers if their housing need means they would still qualify for a Band A or B.</p> <p>Even if they have no other statutory housing need they would still qualify for the Housing Options Band C and be able to access lower demand properties and be entitled to 2 more offers in a 12 month period.</p>	adversely affected
	Removal of 'cumulative housing need' rule from the scheme to make the scheme more transparent for customers and easier to	Neutral or negative	The change is to remove the 'cumulative housing need' rule from the scheme to make the scheme more transparent for customers and easier to administer. Under the current policy customers who have two or more of the housing needs as listed in Band C are 'promoted' into Band B and meeting 2 band B criteria would be promoted to band A. This is called the cumulative need rule. There may be some impact on applicants who meet the protected group criteria and have more than one assessed housing need.	

	understand and to administer		<p>Under the new policy an applicant who meets 2 of the housing need criteria for band B will still only be awarded band B and not promoted to Band A. The old policy of cumulative need has been extremely hard for officers to assess resulting in inconsistency in applying the rule and applicants constantly requesting that their circumstances reassessed in the hope of qualifying for the higher band.</p> <p>There is mitigation built into the decision to remove the cumulative need rule in that band A criteria has been clarified to include applicants with an exceptional or urgent housing need therefore reducing the need for a cumulative need rule.</p> <p>There is also a positive impact in that applicants in the current band C are less likely to have a protected characteristic. By being able to meet 2 band C criteria they would be placed on an equal footing with applicants with a band B need and band B contains more applicants that have a protected characteristic.</p>	
	Applicants who have a local connection with the Cumbrian local authority where a vacant property is advertised will be given priority in any shortlist	Neutral	<p>This is not a direct change to the policy but an amendment to provide greater clarity.</p> <p>For any shortlist an applicant that has a local connection with the Cumbrian local authority where a vacant property is advertised will be given priority over applicants who bid without that local connection. This could impact on victims of domestic abuse but the policy has safeguards built in so that any DA cases where it is agreed that they need to move as they cannot stay in their local authority district due to risk, will be treated equally on any shortlist.</p>	
	The impact of the expanded criteria for when a customer will qualify for the statutory housing need bands A and	Positive	<p>The criteria for when a customer will qualify for the Housing Need Bands A and B will be expanded and made far clearer. This will make it easier for applicants and their representatives to understand if they qualify, and far easier for officers assessing their case to made consistent and timely decisions regarding whether a customer qualifies for a high needs the Band A or B.</p>	

	B and have set out clearer criteria for when a band will be awarded to ensure assessments are always consistently applied		This decision has a positive impact in that the criteria for being granted a band A or B award has been expanded for medical, disability, hardship, risk and move on meaning that more applicants from a protected group will qualify for a higher band award.	
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Date EQIA approved

Any subsequent amendments – date and detail

**Appendix 3: Cumbria Choice Based Lettings Policy – Summary of Proposed Changes – 2020 Update**

Changes to Policy	Details	Impact of Changes	Initial Board Consultation Responses	Change made to Policy in line with recommendation
Statutory Guidance	Policy updated in line with legislative changes since the last review of policy.	Low.	None identified	Yes updated in line with latest Homelessness legislation.
Equality Act 2010	An equality impact assessment has been undertaken as a result of which changes to syntax have been made throughout.	High. A significant number of customers are classed as vulnerable.	None	None
Reduction in number of Bands from 5 to 3	It is proposed that the number of bands reduce from 5 to 3 to make the Policy easier to understand and administer. The first two bands would cover the 'reasonable preference' categories as identified in relevant legislation with the remaining Band for any other applicants. Determination of priority would then be based on date of application.	Medium.	13 = yes agree 3 = no	Yes draft Policy updated.
Keep an 'open Register'.	This means that anyone can apply to join the Housing Register. This does not change the current position.	Low.	15 = yes agree 1 = no	None required.
Proposed changes to qualification rules	1 – Local Connection changes to allow those with local connection to Cumbria for the past year, or for 3 years in the last 5 years by way of immediate family in the area, permanent employment, or exceptional need (includes but not limited to: fleeing violence; armed forces, care leavers)	Medium.	15 = yes agree there should be a local connection rule	Some changes made to cover the local connection criteria.

Proposed changes to qualification rules	2 = requirement to give permission to obtain and share an applicant's personal information.	Low.	15 = yes agree	Yes draft Policy updated.
Proposed changes to qualification rules	3 = Homeownership or legal interest in home ownership. Should people who own their own home not qualify for higher bands A and B.	Low as applicants who own their own home have a low need for social housing.	10 = yes agree 5 = no	Yes draft Policy updated. However, if as a result of divorce settlement a Court has ordered that an applicant may not reside in the home in which they have a legal interest for a period likely to exceed 5 years then this will not be taken into account.
Proposed changes to qualification rules	4 = financial resources. People with a certain level of income/savings will not qualify for higher bands A and B.	Low as applicants can satisfy their housing need on the open market.	12 = yes agree 3 = no	Yes draft Policy updated. Applicants (single persons and couples) with total savings, investments and/or assets of £25,000 or more can qualify for Band C. Applicants with gross income exceeding £45,000 or more (single) or joint income of £60,000 (couple) can qualify for Band C.
Proposed changes to qualification rules	5 = failure to bid for a period of 12 months.	Medium to ensure that applicants who are vulnerable are not discriminated against.	13 = yes agree 2 = no	Yes draft Policy updated.
Proposed changes to qualification rules	6 = Fraud or giving false information will result in removal from the Register for a period of 12 months.	Medium depending on reasons why important information was upheld and whether any vulnerability identified.	15 = yes agree 1 = no	Yes draft Policy updated.
Proposed changes to qualification rules	7 = circumstances where an applicant has current or former social housing rent	Medium depending on reasons why debt has	11 = yes agree 4 = no	Yes draft Policy updated:

	<p>arrears or another relevant recoverable housing related debt.</p> <p>Debts £1000+ who have made no arrangement to address the debt will be ineligible.</p> <p>Debts £1000+ who have made an arrangement to address can join but will need to maintain a payment arrangement for 13 weeks and have either: repaid at least £750 or at least 25% of the original debt.</p> <p>Debts £1-£499 – eligible to join and bid unless evidence of risk of future non-payment such as history of housing debt/poor rent payments or breached payment arrangements.</p> <p>Debts £500-£999 – eligible to join but not to bid unless no real risk of future non-payment such as history of not having housing debts, history of regular rent payments, maintained payment arrangements. Alternatively, evidence of rehabilitation such as maintaining a payment arrangement 8-26 weeks, reducing debt to below £500, demonstrating cause of previous problems addressed.</p>	<p>accrued in the first place and vulnerability issues.</p>		
<p>Proposed changes to qualification rules</p>	<p>8 - serious unacceptable behaviour updated.</p> <p>Applicants guilty of serious unacceptable behaviour may not be admitted to the register or where there is evidence of rent arrears from the last private rented</p>	<p>Medium. This will need to be monitored to ensure that vulnerabilities are taken account of.</p>	<p>Yes agree= 13</p>	<p>Policy updated.</p>

	tenancy. The non-qualification will apply unless the applicant can demonstrate that the previous conduct is unlikely to reoccur. This could include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour.			
Proposed changes to qualification rules	9 - CCP Tenants not assessed as Band A or Band B Housing Need and wanting to transfer should seek to do so through the Mutual Exchange Scheme.	Low Applicants can seek a transfer through mutual exchange or if assessed as Band A or B will qualify.	Yes agree = 14 No = 1	Policy updated.
Proposed changes to make the rules clearer regarding when a direct letting outside of the choice based letting system will be allowed.	Clarity provided on when direct lettings are allowed for example, urgent re-housing due to property being uninhabitable or where there are serious health and safety issues, or discharge of a statutory homeless duty; urgent housing need where it would be unreasonable to wait for the bidding process, threat to life, natural disaster, facilitate a three way (or greater) mutual exchange to make best use of housing stock; persons where the Council has a duty to rehouse due to the Land Compensation Act 1973, lettings due to annual lettings plans, adapted property, cases where Adult Social Care work is ongoing, cases of high risk such as Multi Agency Public Protection Arrangements (MAPPA).	Medium. Cases will need monitoring by the Board where direct lets are permitted.	Yes agree = 15	Policy updated.
Proposal to introduce a penalty for applicants who refuse 3	Applicants in reasonable preference Bands A and B who refuse 3 reasonable offers in a	Medium. Cases of vulnerable applicants	Yes agree = 14 No = 1	Policy updated and 'reasonable' is defined in the draft Policy.

reasonable offers in a 12 month period.	12 month period will be 'downgraded' to Band C for 12 months.	will need to be monitored.		
Proposal to remove the 'Cumulative Need' rule from the Policy	The 'Cumulative Need' rule was difficult to understand and administer and often resulted in 'band chasing' where applicants seek to move bands if they could demonstrate more than one need.	Low. The bandings allow for prioritisation of applicants based on need.	Yes agree = 14 No = 1	Policy updated.
Proposal for expanded criteria for when a customer will qualify for the statutory housing need bands A and B and a clearer criteria for when a band will be awarded to ensure assessments are always consistently applied.	Ensure bandings are applied consistently.	Low. Clarity in awarding Bands. Less likely to be challenged.	Yes agree = 8	Policy updated (Bands table outlined below).
A number of changes are proposed to the banding system and these are out in the summary table below.	Changes are detailed in the Table below.	Low. Changes will make the application of the Policy clearer.	Yes agree = 8	Policy updated.

## Revised Bands

<b>Band A: Additional preference for certain homelessness duties</b> <i>(This is assessed and verified by the Partner Council's Housing Options Team)</i>
This banding applies where a Cumbrian Council have accepted:
3) The Section 193(2) main homelessness duty or the Section 193C(4) 'reduced' Section 193 duty, or
4) A section 189B (2) Relief duty and the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is in temporary accommodation provided by the Council to meet a section 188 interim accommodation duty.
In these circumstances where an applicant is homeless and in temporary accommodation and owed a Section 189B(2) relief duty, or 193(2) main duty or a section 193C(4) reduced main duty the Council will need to move applicants out of temporary accommodation to manage the budgetary or legal impact on the Council. The applicant may still bid for properties advertised but due to the budgetary pressures faced by the Council and the need to maintain a supply of available temporary accommodation for new cases presenting as homeless, the Council is likely to make a direct offer of suitable accommodation into the private rented sector or social housing regardless of the preferences expressed by the applicant.
<b>Band A: Additional preference for medical or disability (See appendix 1.8 for full details of the medical need assessment process)</b>
Where an applicant (or a member of their household) is unable to continue to occupy their current accommodation due to high medical need or disability. Examples of when Band A may be awarded include:
Applicants ready to be discharged from hospital who: have somewhere to live but their accommodation is unsuitable due to their medical needs and cannot be made suitable through adaptations because of cost effectiveness or structural difficulties or the property cannot be adapted within a reasonable amount of time.
Applicants who have urgent need to move due to them having medical problems or disabilities that are being exacerbated by their current housing situation. This includes applicants:
g) Whose life is at risk due to their current housing conditions or who are housebound, effectively housebound or cannot access the essential facilities in their home and there are critical concerns about their safety, for example through falls due to difficulties with access.
h) Whose condition is terminal and rehousing is required to provide a basis for the provision of suitable care

i) Whose condition is life threatening and their existing accommodation is a major contributory factor
j) Whose health is so severely affected by the accommodation that it is likely to become life threatening for example, where an applicant has significant mental health problems which are exacerbated by their accommodation
k) With disabilities, who have restricted mobility and are limited by their accommodation such that they are unable to carry out day-to-day activities or have difficulties accessing facilities inside and outside of their accommodation and require rehousing into accommodation suitable for their use.
l) In overcrowded accommodation which puts the applicant at risk of infection, for example, where an applicant is suffering from late-stage or advanced HIV infection
<b>Band A: Additional preference where there is a need to move on welfare grounds due to exceptional impact on the applicant or a member of their households well being</b>
Not every circumstance that may present can be captured by the policy so below are examples of welfare ground cases that will be considered. The list is not exhaustive:
e) Suffering extreme violence, harassment or discrimination, whether a hate crime or otherwise, and that it is not safe for them to remain in their present home/locality.
f) Applicants who need to move due to domestic abuse threats from an ex partner or family member they do not live with, extreme threats of violence, extreme harassment, or other extreme circumstances deemed to significantly affect a household's welfare and wellbeing.
g) 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 their family's safety if they remain in the dwelling/area.
h) For applications in circumstances where there is a serious threat to the well being of a child and their accommodation is a major contributory factor to that risk. This will be in circumstances where the relevant manager in Children's Services or equivalent assesses the level of risk exposure in relation to the child or children remaining in the current property as being so critical that no other reasonable options in relation to accommodation are available to protect the child.
<b>Band A: Additional preference Armed Forces</b>
Applicants with urgent housing who:

- d) Is serving (and will soon leave) the regular forces and is suffering from serious injury, illness, mental ill health, or disability which is attributable to the person's service
- e) Has recently ceased, or will ceased to be entitled, to reside in accommodation provided by the MOD following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service or
- f) Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the persons service

**Band A: Additional preference for unfit or unsatisfactory housing**

**There are 3 circumstances where Band A may be awarded:**

**1: Applicants without access at all to any of the following facilities:**

No access to:

- f) A bath or shower
- g) A toilet
- h) Cooking facilities
- i) Running hot water supplies
- j) Electric/gas needed for essential activities

Applicants who have access to shared facilities re cooking; bathroom and toilet will not qualify under these criteria.

**2: Exceptional impact cases.**

Applicants who currently occupy a private sector property which has at least one Category 1 Hazard (excluding overcrowding) under the Housing Health and Safety Rating System (HHSRS) and where a Prohibition Order has been served or is intended to be served under the Housing Act 2004 and the effect of the Prohibition Order is likely to mean that the applicant(s) will lose the use of their home on a permanent basis. The relevant conditions at the property must be life-threatening or present an immediate threat of serious injury to the occupant(s)

This includes a property that has 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 period considered to be reasonable by the Council and the household are not able to afford to resolve their own housing problem by moving to alternative private sector accommodation.

Note - this does not include Council or Housing Association homes as there is a legal requirement on social landlords to urgently remedy defects that pose a risk to their tenants

**3: Demolition or Compulsory Purchase Order (CPO) cases.**

Where the applicant's property is subject to demolition or subject to a Compulsory Purchase Order for redevelopment

**Band A: Additional preference for severe overcrowding as defined as 2 bedrooms or more overcrowded** *Note: the measurement of overcrowding is based on the "bedroom standard" (with some exceptions adopted see below). This is the non-statutory standard set out in the government's allocation of accommodation guidance.*

Where an applicant household is severely overcrowded defined as requiring 2 or more additional bedrooms to reach the bedroom standard. In calculating the overcrowding the following circumstances will be disregarded unless there are exceptional circumstances:

- Children over the age of 16 will be excluded from the calculation
- Cases where extended family had moved into accommodation causing the 2 bedroom plus level of overcrowding
- Where the household contains non-dependent adults as there is more chance of non dependents being able to resolve their housing
- The CCP will take account of the space and layout of rooms and bedrooms in deciding whether the 2 bedroom plus priority will be awarded

**Band A: Additional preference for applicants nominated by Cumbria Adult Social Services/Children's Services in the following circumstances:**

- Where there is an essential need to move due to child protection issues
- Fostering carers for Cumbria County Council where there is a need to move to a larger home in order to accommodate a looked after child (this would not apply where the home required would be 4 bedrooms or more)
- Adoption arrangements where there is a need to move to a larger home in order to accommodate a looked after child (this would not apply where the home required would be 4 bedrooms or more)
- Applicants owed a duty by Adult Social Services under the Care Act 2014 / Mental Health Act 1983/2007 who have been assessed by the housing team as being ready to move onto independent living and have an appropriate support package in place

**Band A: Additional preference for Cumbria County Council Care Leavers (Former Relevant children) as defined by the Children (Leaving Care) Act 2000 and need to move on**

Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002 and be a young person at risk of homelessness. The evidence to support this award will be provided by the council's leaving care service and will consist of confirmation that:

- g) All referrals by Children's Services will be made following the provision of Cumbria's Joint Protocol for young people

- h) The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living
- i) The care leaver possesses the life skills to manage a tenancy including managing a rent account.
- j) The care leaver has either long term or medium term tenancy support arranged, as required.
- k) Ongoing support needs have been assessed and, where appropriate, a support plan is in place and
- l) The CCP's assessing officer agrees that due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on their well-being

*Note: Care leavers will be awarded Band A on proof of their status. If an application for housing is made before it has been determined by the CCP assessing officer that the individual is ready for independent living, taking into account information from the applicant's support worker and other agencies, the application will not have any bid considered until the support worker presents the evidence to the CCP that the individual is ready to move on and the CCP agree with that evidence.*

**Band A: Additional preference for applicants who are part of a multi-agency public protection agreement (MAPPA).**

Band A would apply only where:

- a) On the recommendation of the MAPPA partnership the applicant requires and is suitable for independent housing and qualify for the Housing Register, and
- b) The CCP assessing officer agrees that due to the nature and extent of the circumstances of the MAPPA case accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on the multi agency planning for that individual

**Band A: Additional preference for certain MARAC assessed cases**

- Applicants fleeing domestic violence and abuse that have been assessed by MARAC (or any subsequent multi agency arrangement) as needing to move urgently for the safety and security of themselves and or any dependent children and are assessed as being in immediate danger, and
- a) The MARAC partnership has referred the case and provided evidence as to why the applicant requires social housing, and
  - b) The CCP assessing officer agrees that due to the nature and extent of the circumstances of the MARAC case accommodation in the private rented sector would, through its short-term nature, have a substantial detrimental effect on individual or household

**Band B – Reasonable preference for certain homelessness duties owed** *(This is assessed and verified by the Partner Council's Housing Options Team)*

Any of the following statutory homeless duties owed by a Cumbrian Council:

e) People where it has been verified that they are rough sleeping in a Cumbrian Council area regardless of whether they have made a homeless application
f) Applicants owed the prevention of homelessness duty under Section 195(2) by any Cumbria local authority
g) Applicants owed the 'relief of homelessness duty under Section 189B(2) (Note: applicants owed a relief duty and are likely to be in priority need, unintentionally homeless and are in temporary accommodation will be placed in Band A)
h) Where the relief duty has been brought to an end and an applicant has been assessed at that point as not being in priority need
<b>Band B: Reasonable preference for insecure accommodation arrangements</b>
"A pregnant woman or applicant with a child or children who are sharing a home with family who are not part of their household and where:
a) They have no ownership or tenancy rights and the arrangement is short term and very insecure and only available whilst the applicant is actively seeking an offer of social housing or alternative accommodation with friends or in the private rented sector, and
b) They were owed a prevention of homelessness duty as they were assessed as likely to become homeless within 56 days, and that duty has ended because they have been allowed to remain at home whilst they bid for social housing with their Band B priority and it is likely that they can remain for at least 6 months to a year.
c) The family member with the interest in the home has agreed to allow the applicant to remain for at least 6 months to a year.
<b>Band B: Reasonable preference for medical or disability housing need (See appendix 1.8 for full details of the medical need assessment process)</b>
Applicants who have need to move due to them having medical problems or disabilities where their housing conditions exacerbates a serious medical condition or disability but do not qualify for an award of Band A. This includes (the examples are to illustrate the level of housing need to be awarded Band B and is not an exhaustive list).
f) The applicant's current accommodation to a significant extent directly exacerbates an existing medical condition, is the direct cause of a medical condition or impacts on the ease of use of the facilities within their home for a disabled person.
g) Applicants who have mobility issues and it has been assess need to move to ground floor or level access accommodation
h) Applicants who have mobility issues and need to move to accommodation that has level access showering facilities
i) Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition
j) Applicants who have a medical need for an additional bedroom (e.g. because they need an overnight carer or need to accommodate a substantial amount of medical equipment)

**Band B: Reasonable preference under the Government’s ‘Right to move’ regulations**

Existing social tenants of accommodation in England who the CCP have assessed as qualifying under the Government’s Right to Move regulations will be placed into Band B

Allocation to those Applicants who qualify is limited to a maximum of 2% of all lettings.

**Band B: Reasonable preference for ‘move on’ from supported housing**

Where the CCP assessing officer after considering evidence from the applicant’s support officer agrees that due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on their well being.

Before the award is made, ongoing support needs will need to have been assessed and, where appropriate, a support plan put in place to increase the chances of the tenancy succeeding and the person must have been assessed as ready to move on from supported to independent housing.

**Band B: Reasonable preference where it is agreed there is a need to move on welfare or hardship ground:**

4) Applicants who need to move closer to a specialist organisation, agency or institution located in a specific area of Cumbria, where moving would prevent significant physical, psychological or financial hardship. (The assessment will include the availability and ability to use public transport)

5) Hardship on support grounds: Applicants that have demonstrable evidence that they provide or receive substantial and on-going support to or from relatives or friends and where moving would prevent significant physical, psychological or financial hardship. This award will only be considered where there are significant medical or welfare issues including grounds relating to disability. This award for applicants who give or require support from relatives or friends will only be considered where there is a severe disability or mental ill health, medical or welfare issue (relating to the applicant or their household or the relatives or friends) and there are reasons why this support cannot be made available through reliance on public transport or the persons own transport. (The assessment will include the availability and ability to use public transport).

6) Employment Hardship - Priority will only be given in exceptional circumstances and applicants will need to show that they need to move to take up or continue an employment opportunity not available elsewhere. They will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer. Employment purposes are defined as: applicants including people needing to move from outside Cumbria and between Cumbrian Districts, taking up or continuing permanent employment for a minimum of 16 hours per week. Under this clause applicants will only be considered where they do not live within a reasonable

commuting distance and will be required to provide confirmation of employment details from the employer. (The assessment will include the availability and ability to use public transport)

**Band B: Reasonable preference for being overcrowded by 1 bedroom** *Note: the measurement of overcrowding is based on the "bedroom standard" (with some exceptions adopted see below). This is the non-statutory standard set out in the government's allocation of accommodation guidance.*

Applicant's living in overcrowded conditions and whose housing circumstances have been assessed as being 1 bedroom short of what they need as measured by the bedroom standard.

Or alternative wording

Where an applicant household is overcrowded by one bedroom as measured by the bedroom standard. In calculating the overcrowding the following circumstances will be disregarded unless there are exceptional circumstances:

- Children over the age of 16 will be excluded from the calculation
- Cases where extended family had moved into accommodation causing the 1 bedroom level of overcrowding
- Where the household contain non-dependent adults as there is more chance of non dependents being able to resolve their housing

The CCP will take account of the space and layout of rooms and bedrooms in deciding whether the 1 bedroom priority will be awarded

**Band B: Reasonable preference for unsatisfactory housing conditions or issues of property fitness**

Private sector tenants that the relevant Council has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the CCP assessing officer is satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has 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, and the household are not able to resolve their own housing problem by moving to alternative private sector accommodation

**Band B: Reasonable preference for under-occupation**

Applicants who have a social housing tenancy with a Cumbrian CCP Partner and are under-occupying social rented accommodation by two or more bedrooms. The exception to the 2 or more bedroom under occupation rule will be:

- c) Where a tenant occupies a house that they are under occupying by 1 bedroom and a move to a flat would free up that house

d) Where it is agreed that under-occupancy by 1 bedroom will cause significant financial hardship for tenants. This is where there is clear evidence that tenants on lower incomes are forced to spend significant percentages of their incomes on servicing 1 bedroom under-occupancy deductions

**Band B: Local preference for recent ex armed forces applicants**

Members of the Armed Forces persons who are serving in the regular forces who will be discharged within three months and have served for five years preceding their application for an allocation of housing accommodation as long as this has not been a dishonorable discharge.

**Band B: Local preference for identified 'Key Workers'**

The following key workers whose total gross household income from all sources does not exceed an annual income of £45,000 or more (for single persons) or joint income of £60,000 or more (for couples).

5) National Health Service Staff and Social Care staff

6) Community Support Officers

7) Members of the Territorial Army

8) Volunteer Fire Officers

**Band C – All other applicants in housing need:** This is the housing need band awarded where an applicant is not assessed as coming under the criteria adopted by the policy for being in a statutory housing need. Applicants placed in band C can still bid for properties but will not be considered above applicants from Bands A or B who have bid for the same property.

Band C will include applicants who have been assessed as being intentionally homeless by any Council and since that award has not had settled accommodation (defined by the CCP assessing officer)

**Appendix 4 - Draft Cumbria Choice Policy Review 2020 - Consultation Responses**

Ref no.	001	Aaron Linden (Information Governance Manager, Carlisle City Council)	Project Board Response
<p><b>Comments:</b> As part of the review, the data protection sections require updating as there are some out of date and some inaccurate points of information included within the Policy as it stands. In addition, the Privacy Notice on the Cumbria Choice website should also be reviewed in accordance with the eventual Policy amendments.</p> <p>The section highlighted in bold and underlined; permission/ consent must be freely given and cannot be a condition of service. The lawful basis for processing their personal information will be public task and the agreements lists relevant legislation. Individuals have a choice whether to progress with the CCP housing register however, if they decide to progress, they do not have a full control regarding the processing of their personal information. It is proposed that this section be removed completely. Please note, whilst specific sections have been highlighted for review, all sections should be reviewed as part of this process.</p> <p><b>General Data Protection Regulations 2018</b></p> <p>We will ensure for any person on the housing register their information is stored lawfully and we act in a fair and transparent way in processing their data. We will only collect data that is specific, explicit and legitimate for the purpose of the application and lettings processes set out in this policy. The data will be kept up to date and not held unnecessarily or without appropriate security measures in place. Information will only be shared with other</p>			<p>All of these comments and suggestions have been agreed in principle by the Cumbria Choice Project Board.</p> <p>The Policy is currently being updated by the Project Board to reflect these changes, but unfortunately it was not possible to make all the amendments to the draft in <i>Appendix 1</i> in time for this report deadline.</p>

organisations or individuals in order to legitimately assess and progress a person's housing, for the prevention of fraud or with the person's explicit consent.

**An applicant's permission to share their personal information is a qualification condition of being accepted onto the CCP housing register.**

Appendix 1.2 sets out the details for how the scheme will apply:

- 1) The General Data Protection Regulations 2018
- 2) The 'Privacy Notice' for the policy, and
- 3) An applicant's right to information

Similar issue with this section below headed Assessing Applications as it refers to consent. What if a person consents to i.e. enquiries being made concerning their eligibility but not to allowing information to be provided to other partner organisations? If they have no choice, the wording should be changed to:

Applicants will be required to sign a declaration to confirm their understanding that:

- a) the information given is correct and that they will notify the CCP of any change in their circumstances.
- b) Enquiries will be made concerning their eligibility for housing and level of priority.
- c) Information will be provided to other partner organisations that are part of the scheme.

Ref no.	002	Councillor Gareth Ellis – Ward Member for Belah and Kingmoor & Deputy Leader of Carlisle City Council	Project Board Response
<p><b>Comments:</b> Having read through some of the detail on this. I'm not sure I agree with reducing the amount of time that Cumbrians have to be resident to be eligible for the scheme...</p> <p>“ A residency requirement of 1 year or 3 years in the last 5 to qualify for the higher needs bands A or B will have some impact on, refugees, non-UK nationals and Irish Travellers. The revised scheme has attempted to: Strike the right balance between disadvantage to some groups of a residency requirement and the policy aims of the residence requirement, which is to prioritise applicants who can demonstrate a positive commitment to Cumbria through being settled in the area. That is why:</p> <p>a) A 1-year qualification has been chosen instead of 2 or 3 years which is the norm for the vast majority of local authorities (based on the national statistical local authority returns to MHCLG)</p> <p>b) The policy still allows applicants without the required residency period to qualify for the register (unlike most local authority schemes), awards them band C and means they may be still be successful in bidding for properties.</p> <p>c) To mitigate any impact the policy is careful to build in exemptions and consideration of exceptional circumstances for applicants who do not meet the residency rules.</p> <p>This impact and mitigation is considered more fully below in the section on the impact of the Policy changes across all of the protected groups”</p> <p>Why one when others are two to three?</p>			<p>The Cumbria Choice partnership decided 1 year was an appropriate timescale to establish a local connection rather than 2 or 3 years to be more inclusive. A lot of other CBL schemes will not allow anyone who doesn't have a local connection to the area to register. In Cumbria we have previously accepted applicants without the connection but given them reduced preference. Under the new policy these applicants would fall into band C (All other applicants in housing need). it was agreed this would afford the housing associations participating in Cumbria Choice greater flexibility in their allocations. Through the consultation feedback received there was no objection from stakeholders to this amendment to the policy - all were in agreement.</p> <p>On a more general point - it is acknowledged that Carlisle needs to attract more working age people just to maintain existing employment levels due to the ageing population. A more flexible Allocations Policy can be of benefit in this respect.</p>

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## **EXCERPT FROM THE MINUTES OF THE EXECUTIVE HELD ON 22 JUNE 2020**

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**EX.68/20**     **NEW ALLOCATIONS POLICY AND EQUALITY IMPACT ASSESSMENT**  
(Non Key Decision)

**Portfolio**     Economy, Enterprise and Housing

**Relevant Scrutiny Panel**             Health and Wellbeing

### **Subject Matter**

The Corporate Director of Governance and Regulatory Services presented report GD.22/20 which recorded that Cumbria Choice was the adopted social housing allocation policy of all six district councils in Cumbria, as well as the Registered Social Landlords operating in the county. Cumbria Choice had been in operation since March 2011, and the policy was periodically reviewed by the partnership to ensure it remained fit for purpose and was fully compliant with the latest legislation and good practice.

As the updated draft policy also related to homelessness, and not solely allocations, it fell within the remit of the Council's budget and policy framework, so would need to be considered through the full Committee process. The Executive would on 20 July 2020 consider the response from the Health and Wellbeing Scrutiny Panel and refer any changes to South Lakes District Council (who were the lead authority on Cumbria Choice). If there were no proposed amendments the policy review would be recommended to Council on 8 September 2020 for adoption; however, if there were proposed changes, those would be referred to the Executive on 14 September 2020.

The Economy, Enterprise and Housing Portfolio Holder moved the recommendation set out in the report, which was duly seconded by the Communities, Health and Wellbeing Portfolio Holder.

The Deputy Leader indicated that, whilst he agreed with reference of the matter to the Scrutiny Panel, he was greatly concerned by certain details within the policy. He considered a weakening of the local connection in the Allocations Policy to be a fundamental error, adding that could be discussed in greater detail at Scrutiny or when the matter came back before the Executive.

**Summary of options rejected**     that the proposed Policy should not be referred to  
Scrutiny

## **DECISION**

That the proposed Allocations Policy and EIA should be referred to the Health and Wellbeing Scrutiny Panel in accordance with the Budget and Policy Framework and considered by Officers.

## **Reasons for Decision**

Approval of the revised Cumbria Choice Allocation Policy, following Scrutiny and consideration by Officers, would ensure greater clarity and consistency for households registering for social housing in Carlisle, while simultaneously complying with legislative changes (including the Homelessness Reduction Act and resultant Statutory Guidance)