



# REPORT TO EXECUTIVE

## PORTFOLIO AREA: COMMUNITY ENGAGEMENT

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Date of Meeting: 4th JUNE 2010

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Public

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Key Decision: Yes

Recorded in Forward Plan: Yes

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Inside Policy Framework

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Title: CUMBRIA CHOICE BASED LETTINGS SCHEME – POLICY

Report of: Assistant Director (Community Engagement)

Report reference: CD. 02/10

### Summary:

This report presents members of the Executive with an update on the Cumbria Choice Based Lettings Scheme and details relating to the formal Allocation Policy for the project.

### Recommendations:

It is recommended that members of the Executive approve the adoption of the Cumbria Choice Based Lettings Scheme Allocation Policy by the Council.

Contact Officer: Simon Taylor

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Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

## 1. BACKGROUND INFORMATION AND OPTIONS

- 1.1 Choice Based Lettings (CBL) is a process aimed at improving the letting of social housing. CBL simplifies the lettings process by advertising all the properties held by social landlords that are ready and available for let. Applicants in housing need will be given greater choice by being able to apply across the county for properties. The scheme will provide better opportunities for good tenant/property matches. The Government had previously told authorities and housing providers that it wanted all social housing letting systems to comply with CBL by 2010 and made available grant aid to enable schemes to be developed in and across regions.

In 2007 a partnership of the majority of District Authorities and Housing Associations in Cumbria was formed with the objective of submitting a bid to the 2007 Fund for the Development of Regional and Sub-Regional Choice Based Lettings Schemes. This initial bid was submitted but was unsuccessful. Three authorities in the county withdrew prior to its submission.

The CBL scheme and previous bids has been included within a number of reports and updates to both Executive and Community Overview and Scrutiny (CO&S) Panel since 2006. These include;

DS 25/06	Executive	12/6/06
	Executive	18/6/06
DS 04/07	Executive	22/1/07
DS 41/08	CO&S	27/3/08
	CO&S	29/7/08
DS 134/08	CO&S	09/10/08

- 1.2 After much encouragement from the Government a second bid was successfully submitted in late 2008. The partnership was awarded £100,000 funding. Under the bidding rules this could represent up to 60% of the costs of developing the scheme. South Lakeland District Council is the Lead Authority and the accountable body for the scheme. The project has been taken forward by a partnership including the 6 district councils and housing providers in the county.
- 1.3 A project manager was recruited in 2009 and the scheme has been taken forward in line with the project plan submitted as part of the bid.

- 1.4 In order for the scheme to become operational a formal Allocations Policy has been produced for each of the partners to approve.
- 1.5 The Allocations Policy is the policy of the CBL scheme. It is attached at Appendix 1.

## **2. CONSULTATION**

### **2.1 Consultation to Date.**

The Allocations Policy has been viewed by the Council's Legal team. The Housing services team have been present at each board meeting of the project and had input into each part of the process. Updates regarding the CBL project have also been included in the Housing Strategy update reports to community Overview and Scrutiny Panel on a regular basis.

In developing the policy a 3 month consultation period was held. The policy was placed upon the council website via a consultation sheet and weblink to the partnership CBL website. Details of the policy and a workshop held around the policy were circulated to Members.

### **2.2 Consultation proposed.**

This report is to be made available to be considered by Community Overview and Scrutiny Panel on 10<sup>th</sup> June 2010.

## **3. RECOMMENDATIONS**

- 3.1 It is recommended that the Executive approve the adoption of the Cumbria Choice Based Lettings Scheme Allocation Policy by the Council.

## **4. REASONS FOR RECOMMENDATIONS**

- 4.1 To enable the Cumbria Choice Based Lettings Scheme to progress with Carlisle City Council as a key partner.

## **5. IMPLICATIONS**

- Staffing/Resources – Within current resources.

- Financial – The agreement between the various parties involved provides for the City Council to contribute £17,356.16 (8.35%) towards the capital costs of the scheme. A contribution of £10,000 was made in 2009/10, funded from the Housing Strategy budget, and the balance of £7,356.16 will fall as a commitment from this year's Housing Strategy budget. The revenue costs of the scheme are to be met by the housing providers (local authorities and housing associations) within the county and therefore there should be no revenue implications for the City Council.
- Legal – The Council is the statutory housing authority with responsibility for housing allocation, homelessness and provision of housing advice, notwithstanding that it no longer retains ownership of the housing stock.
- Corporate – Enabling choice and easier access to social housing within the area is covered within the work programme of the Housing Strategy.
- Risk Management – This has been undertaken through establishing and taking forward the work of the scheme through the partnership.
- Equality and Disability – This has been a significant part in developing the scheme and the policy for the scheme. An Equality Impact Assessment (EIA) has been written as part of the project development by the project manager.
- Environmental – N/A
- Crime and Disorder – Housing and access to housing can have a positive impact upon sustaining people's lives and reducing criminal activity.
- Impact on Customers – Housing and access to housing has a significant impact upon people's lives. The implementation of CBL will improve issues of access and choice to social housing for people across the county.

#### **Impact assessments**

**Does the change have an impact on the following?**

<b>Equality Impact Screening</b>	<b>Impact Yes/No?</b>	<b>Is the impact positive or negative?</b>
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Does the policy/service impact on the following?		
Age	<b>Yes</b>	<b>Positive</b>
Disability	<b>Yes</b>	<b>Positive</b>
Race	<b>Yes</b>	<b>Positive</b>
Gender/ Transgender	<b>Yes</b>	<b>Positive</b>
Sexual Orientation	<b>Yes</b>	<b>Positive</b>
Religion or belief	<b>Yes</b>	<b>Positive</b>
Human Rights	<b>Yes</b>	<b>Positive</b>
Social exclusion	<b>Yes</b>	<b>Positive</b>
Health inequalities	<b>Yes</b>	<b>Positive</b>
Rurality	<b>Yes</b>	<b>Positive</b>

**If you consider there is either no impact or no negative impact, please give reasons:**

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**If an equality Impact is necessary, please contact the P&P team.**

Cumbria Choice  
Sub Regional Choice Based Lettings  
Allocations Policy – May 2010

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Summary of the Scheme
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Cumbria Choice is a sub regional scheme for letting most of the social rented property in Cumbria. It is a partnership between the 6 Local Districts and 8 social housing providers.

It is managed through a web based computer system.

To be part of the scheme customers need to apply to the Common Housing Register. There is only one application form and customers will be placed on the register if they meet the eligibility criteria.

Priority for housing is awarded through a 'Banding' system that places people in one of four bands according to their housing needs.

The majority of properties are advertised and customers are able to exercise choice by registering an interest in the property.

Customers are only able to express an interest in properties that meet their requirements. For example adapted property and some ground floor accommodation will be for customers with medical needs and/or for older persons.

At the end of the advertising period a shortlist is compiled, taking into account: the band of the customer, the 'effective' date of the application, and any local connection.

Usual practice is that customers at the top of the shortlist are offered the property.

In certain situations exceptions to the policy will apply and these are detailed in the policy. These exceptions, such as 'direct lets' or 'local lettings policies' allow the individual partners to respond appropriately to certain individual housing need and to effectively manage their housing stock. All exceptions to the general policy will be recorded and monitored.



Section 1	Introduction and Background
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### 1.1 Cumbria Choice Sub Regional Choice Based Lettings

Cumbria Choice is a partnership scheme which has been developed to allocate social rented housing in Cumbria, through a choice based lettings system. It will operate a fair and transparent scheme; one that enables customers to have more choice about where they live.

Members of the partnership have developed and agreed this Allocations Policy for letting the property across the Sub Region. They have agreed one common housing register for people wanting access to social housing and one lettings policy.

The Cumbria Choice scheme is operated and managed through a shared web based computer system.

Guidance accompanies the policy to ensure partner organisations operate the scheme in a consistent manner.

The Partnership members are the 6 District Authorities in Cumbria, 8 Social Housing Providers and Cumbria Supporting People:

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

Accent Housing  
Derwent & Solway Housing  
Eden Housing  
Home Group including Copeland Homes  
Impact Housing  
Riverside  
Two Castles Housing  
South Lakes Housing

Cumbria Supporting People

- ❖ Contact details for all partners are listed in Appendix 2.

In developing this policy the partnership has referred to the following guidance and housing legislation:

- The Housing Act 1996 and the Homelessness Act 2002

- Office of the Deputy Prime Minister: Allocation of Accommodation - Code of Guidance For Local Housing Authorities. November 2002
- Department for Communities and Local Government: Allocation of Accommodation: Choice Based Lettings - Code of Guidance for Local Authorities 2008
- Department for Communities and Local Government: Fair and Flexible statutory guidance on social housing allocations for local authorities in England December 2009
- Department of Health: Housing Learning and Improvement Network – The impact of Choice Based Lettings on the access of vulnerable adults to social housing 2009
- Department for Communities and Local Government Circular 04/2009: Housing allocations – members of the armed forces
- Audit Commission: Housing Inspectorate Key Lines of Enquiry – Allocations and Lettings
- Homelessness Code of Guidance for Local Authorities 2006.

## Equality

The partnership will ensure that its policy complies with the current equality legislation and with the relevant statutory codes and guidance.

An Equality Impact Assessment will be carried out on the policy and associated guidance and will be regularly reviewed.

## 1.2 Policy Statement

Cumbria Choice is the main route into social housing for the majority of people seeking such housing in Cumbria. This policy will aim to treat those applying to the scheme fairly; will be inclusive of all groups and the procedure will be transparent.

Cumbria Choice will provide greater choice for applicants but the demand for housing will continue to be greater than the supply. However through good quality feedback to customers the scheme will enable people to be clear about their prospects of being offered accommodation.

For people unlikely to be offered accommodation through the scheme there will be advice about alternative housing options. There will be information on the website and in written material on options such as; mutual exchanges, the private rented sector, low cost home ownership and shared ownership properties.

The partnership intends the allocation policy to have a positive effect on local communities by increasing tenant satisfaction with their housing, and by contributing to the development of stable communities. The partnership aims to provide a high quality service to its customers and intends to work together to continue to develop the scheme to find joint solutions to housing problems, including those of homelessness.

The partnership acknowledges that some customers applying to the scheme will not be eligible to register for housing due to previous unacceptable behaviour, such as anti-social behaviour. The policy aims to be open and transparent as to the reasons for exclusions and gives advice on the possible actions a customer can take to subsequently gain acceptance onto the register.

### 1.3 Aims of the Scheme

In developing this policy the Partnership has agreed the following aims:

To reduce the use of temporary accommodation for homeless applicants and to assist with prevention by making customers aware of their potential housing choices and the alternative options available to them eg. private sector, low cost home ownership.

To increase the availability of move-on accommodation to prevent 'blockages' in supported housing schemes.

To ensure a lettings service that embraces equality and diversity by being open and fully accessible to all individuals and to provide support to more vulnerable customers where required.

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.

To make the best use of the housing stock within the scheme.

To increase mobility by making available 10% of all properties to customers across Cumbria.

To attract new customers to areas of low demand and reduce void times on 'hard to let' properties.

### 1.4 Statement on Choice

The key underlying principle of the scheme is to give choice to customers who are looking to obtain housing in the social rented sector.

To ensure customers have choice the partnership will advertise the majority of its properties on a weekly basis through this scheme; property adverts will appear on its website and in newsletters available in the offices of all partner organisations and other appropriate sites to assist the public to access the scheme.

The Partnership will endeavour to ensure that property adverts are easy to read and will include information about the local area to allow customers to make the best informed choice about housing that is suitable for their needs.

It is the Cumbria Choice policy that wherever possible customers wanting social housing should be able to choose the property for which they wish to be considered. However there will be some instances where it will be necessary to make a 'direct let' of a property to a household; e.g. homeless households to whom there is a statutory duty to house; households at risk of violence. (See section 3.5: Direct Offers)

### 1.5 The Partnership

Cumbria Choice is managed by the Sub Regional Project Board which is governed by a 'partnership agreement'. Its members consist of one senior officer representative from each organisation within the partnership and two tenant representatives. Each organisation has one vote within the partnership. Tenant representation 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.

### 1.6 Equality and Diversity

Cumbria Choice is committed to ensuring that its policy and procedures in the letting of property is non-discriminatory. This includes promoting equality of access to the service.

The Partnership is committed to assisting all customers to access the service, taking account of vulnerability or other specific needs, and also the needs of different ethnic groups.

To identify the needs of our customers the application form will have specific questions relating to vulnerability, ethnic origin, sexual orientation, disabilities etc. This information will be used to monitor the impact of the policy on minority and specific needs groups and to make such amendments as may be required to ensure no group is disadvantaged by the policy.

## CD 02/10 – Appendix 1

### 1.7 Accessibility

The partnership recognises that a choice based letting scheme requires active participation by the customer which some may find difficult.

Local support groups and voluntary and statutory agencies have been involved in the development of this scheme to ensure that it is as accessible as possible to all groups within the community. The partnership will continue to work with these agencies to improve accessibility to the scheme.

Those needing support, advice or assistance will be identified through information given on the application form and also by staff, other professional and voluntary groups, and also the computer system which can be used to monitor whether some customers are not 'bidding' or are making inappropriate 'bids' (expressions of interest).

The Partnership has ensured that the system itself is accessible. Easy to read guides explaining how the scheme works will be sent to all customers when they request an application form and once they are registered. All forms and guides will be available on request in other formats and languages.

The Partnership will continue to widely publicise the scheme and will ensure that newsletters advertising the properties are widely distributed.

The Partnership has ensured that its own staff are fully trained and able to offer advice and assistance to individual customers through; front line staff, floating support workers, hostel staff and sheltered housing wardens.

Through ongoing liaison with a range of statutory and voluntary agencies, the partnership aims to ensure that high quality support is available to customers.

The ICT system will be used to monitor customer bidding patterns and will be used to identify those who are having difficulty using the system. In addition the outcomes for customers identified as having specific needs or coming from minority groups will be monitored to ensure they are as successful in gaining housing as other customers.

In exceptional circumstances 'automatic bidding' (see Appendix 1 definition of terms) will be available – this is not a preferred option as it reduces customer choice.

An Accessibility Policy accompanies the Cumbria Choice Scheme.

### 1.8 Monitoring

The partnership will continue to monitor the policy to ensure that its aims are being met.

Monitoring will be used to ensure that:

- Those in the 'reasonable preference' categories are given priority for housing (see section 3.1)
- Lettings are broadly proportionate to the profile of local communities
- Lettings within 'the bands' accords with the stated aims of the policy (see section 3.4)
- Customers in special needs groups are successfully accessing housing.
- There is overall customer satisfaction with the scheme.

### 1.9 Information sharing, confidentiality and data protection

Information received by a partner organisation in relation to a customers registration form will be treated in confidence in accordance with the Data Protection Act 1998.

Confidential Information held about customers will not be disclosed to third parties apart from:

- Where the individual has consented to the disclosure
- Where a partner organisation is required by law to make such a disclosure.
- Where disclosure is made in accordance with a recognised Information Sharing Protocol or for reasons of public protection.

Partner organisations will continue to develop Information Sharing Protocols within their own areas and where possible across Cumbria to enable consistency and good working practices between the partnership and other voluntary and statutory agencies.

Local Authorities have a duty under the freedom of Information Act with which they will comply. This duty does not apply to registered social housing providers.

Section 2      The Common Housing Register
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The Partnership has agreed to operate one common housing register within the scheme. This is a single register for both new customers applying for property and existing tenants wanting a transfer. The single register enables customers applying to the scheme to access housing owned by each member of the Partnership by completing just one application form.

When shortlisting for properties there will usually be a priority given to customers with a local connection to the Local Authority area. However, there is a commitment to make 10% of vacancies available across the Sub Region without the requirement for a local connection to the Local Authority area in which the property is advertised. (see section 4.8 for definition of local connection)

## 2.1 Who can Apply

1. Anyone over 16 years – UNLESS:
  - i. They are a person from abroad and have been classed by the Secretary of State for Communities and Local Government as ineligible for housing.
  - ii. They or a member of their household is guilty of unacceptable behaviour serious enough to make them an unsuitable tenant.
2. Open Register: Cumbria Choice operates an open register and will accept all people regardless of their housing need or whether they are from outside Cumbria, subject to them meeting the eligibility criteria.
3. Joint Applicants: joint applications will be accepted and will be treated as one application. An applicant can only have one active application as a main applicant on the register. The housing need of the full household will be considered in assessing housing need. Joint applicants will normally be offered a joint tenancy.
4. Employees or their relatives: those working for, or elected to the Governing Body of a partner organisation, or, those related to such a person will be eligible to apply. Any offer of accommodation will be subject to the approval of the Governing Body of the organisation offering the property.
5. Owner Occupiers (and those with the financial means to purchase property):
  - These customers can register with the scheme people and will be assessed and placed in the appropriate 'banding' subject to an assessment of their financial means and ability to purchase suitable accommodation. If assessed as able to purchase

suitable accommodation they will be placed in the lowest 'banding'.

6. 16/17 year olds: young people aged 16/17 years will be able to register but will remain suspended until after they have reached 18 years unless:

- They are accepted as requiring move-on accommodation following a successful period in a recognised supported housing scheme and have a move-on support package.
- They are a homeless young person to whom a duty is owed under Part VII, Housing Act 1996 and a full housing and child in need assessment has been made by Children's Services.
- They are referred by Children's Services following a housing and child in need assessment with a recommendation for housing having been made. This includes children leaving care.

7. Tenants of social housing organisations

- Secure and assured tenants may apply to the Register at any time and will have their priority assessed in the same way as other customers.
- Tenants with probationary or starter tenancies will not be able to register until the completion of the 12 months probationary period and a secure or assured tenancy has been granted.
- Some transfer moves are exempt from the requirements of Part 6 of the Housing Act 1996 and will be dealt with separately. This includes assignment or succession by a relative and mutual exchanges.
- Tenants transferring within the Scheme will need to have no rent arrears and a satisfactory property report. However this may not necessarily be required if the need for rehousing is urgent.

8. Persons from Abroad

- Housing authorities are required by law to establish if a person is eligible for housing or whether they are excluded from an allocation under the Asylum and Immigration Act 2002.
- Where a person's eligibility for housing is unclear investigations will be undertaken to establish the person's entitlement for housing.

9. Prisoners: 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.

Partner organisations will refer to the Cumbria Joint Protocol for Housing Offenders for guidance.



10. Ineligibility due to serious unacceptable behaviour

- Cumbria Choice expects customers registering for housing to be able to meet the standards of behaviour required of them by the tenancy agreements of partner organisations. Where customers current behaviour indicates that they would be unsuitable to be a tenant they will not be eligible to register with the scheme.
- Part 6 of the Housing Act 1996 as amended by the Homelessness Act 2002 (Section 160A (7)) allows the local authority to treat a person as ineligible where they or a member of their household has been guilty of behaviour serious enough to make him/her unsuitable to be a tenant and at the time of the application the customer is still unsuitable to be a tenant.
- Unacceptable behaviour includes but is not limited to:
  - Anti-social behaviour
  - Racial harassment and other hate related crimes
  - Criminal Behaviour
  - Violence
  - Violence or threats of violence to staff or the agents of partner organisations in the Cumbria Choice scheme
- The decision on whether an applicant is deemed to be ineligible will be made on a case by case basis.
- Where a customer is deemed to be ineligible to join the register they will be given the reasons for that decision and will have the right to request a review of that decision (Section 5).
- The full policy on the Eligibility criteria is listed in Appendix 3.

11. Suspension

- In cases of housing debt or where there is 'unacceptable behaviour' but of a less serious nature than that which would result in the applicant being deemed to be ineligible, the application will be 'suspended'.
- Customers whose application is suspended will have their application assessed and banded. They will accrue waiting time and will be advised of what will be required for the suspension to be lifted.
- The decision on whether an application is to be suspended will be made on a case by case basis.
- Where a customer's application has been suspended they will be given the reasons for that decision and will be advised of their right to request a review of that decision (Section 5).
- The full policy on the suspension criteria is listed in Appendix 3.

### 2.2 How to Apply

To join the Cumbria Choice register customers need to complete an application form. The form can be obtained from the offices of any partner agency or completed on line via the website.

The application form will be available in other formats and languages on request.

Customers will be required to sign a declaration to:

- Confirm that the information given is correct and that they will notify Cumbria Choice of any change in their circumstances.
- Give consent to allow enquiries to be made concerning their eligibility for housing and level of priority.
- Give consent to allow information to be provided to another partner organisation in the scheme.

Assistance is available for any customer who has difficulty in completing the form from any of the partner organisations.

Existing or previous tenants will be asked to provide a reference from their current or previous landlord. Alternatively, a character reference may be requested from a professional person who has known the customer for at least 2 years, if the customer has not held a previous tenancy. This applies to both customers where there is a joint application. In some circumstances additional information may be requested.

### 2.3 Police Checks/Information

Where a customer indicates on their form that they have an unspent criminal conviction a criminal records bureau check or further information will be sought about the offence(s). This will be done to establish whether the person has been involved in a serious crime(s) that would pose a serious risk to the community if they were to be housed within that community.

Information gained will not automatically exclude an applicant from the register. It may also be used to make informed decisions about any offer of a property.

### 2.4 Notification of registration

When an application is accepted onto the register the customer will be informed in writing and provided with the following information:

- Their registration date
- Their registration reference number

- The Band they have been placed in.
- A Priority Band date if that is different from their date of registration (see section 3.3; the 'effective' date)
- Their username and password for the Website.

If an application is moved into a higher priority band the 'effective date' is taken to be the date it was moved into the higher priority band. Where an application is moved out of a priority band the waiting time reverts to the original date of registration.

When customers receive their letter of registration they will also receive a guide to the Cumbria Choice Scheme. This will inform them about how the scheme works and will include such information as: how applications are banded; where to look for advertised properties; how to register an interest in a property, 'bid'; what checks are made before an offer is confirmed.

### 2.5 Changes in Circumstances

It is the responsibility of the customer to notify Cumbria Choice of any changes in their circumstances that could affect their application for housing. The application will be re-assessed and if appropriate placed in a different band.

### 2.6 Reviewing the Register

Each customer on the Common Housing Register will have their application reviewed annually. A letter will be sent to all customers requesting confirmation of details. If a reply is not received within 28 days of the date sent the application will be cancelled.

Customers registered in Bands A and B will be reviewed more regularly to ensure they are bidding for suitable properties. Monitoring of number(s) of 'bids' made (or lack of) will be used to identify where assistance to customers may be needed.

### 2.7 Cancelling Applications

An application will be cancelled from the housing register in the following circumstances:

- i. At the customers request.
- ii. If the customer becomes ineligible for housing on grounds of their behaviour.
- iii. When the customer has been housed.
- iv. When a social housing tenant completes a mutual exchange.
- v. On failure to reply to a review letter or requests for further information within a given time period.
- vi. Where it is discovered that the customer has given false or misleading information

In circumstances (ii) and (vi) the customer will be notified in writing and informed of the reason why their registration has been cancelled and of their right to request a review of that decision.

In circumstance (v) the customer will be notified in writing that their registration has been cancelled. The application will be re-instated if the applicant contacts Cumbria Choice within 28 days of being notified of the cancellation.

### 2.8 Giving False Information

Under section 171 of the 1996 Housing Act it is a criminal offence for anyone applying for housing from a housing authority to knowingly give false information or to withhold information which is relevant to their application. An offence is also committed if a person allows a third party to provide false information on their behalf.

Customers who are found to have withheld or given false information will be removed from the register for 12 months. The customer will be informed in writing of the decision and advised of their right to request a review.

Where a tenancy has been awarded action may be taken with regard to that tenancy.

### 2.9. Deliberate Worsening of Circumstances.

In certain circumstances a customer's priority will be reduced where there is evidence that they have deliberately made their housing situation worse in order to gain a higher priority for housing.

Section 3      Assessing Housing Need
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### 3.1 Priority for Housing

To determine the priority of customers for housing a Banding Scheme has been used. The scheme has 4 Bands. Those assessed with a medium to high need for housing will be placed in one of three priority Bands. The priority bands are: Band A; Band B; and Band C, with Band A being the highest priority. Those with low level or no housing need will be placed in Band D.

In framing this policy and to ensure that those in greatest need are given preference for an allocation of accommodation, the partnership has taken into account the categories of people that must be given reasonable preference by Local Authorities, as set out in section 167(2) of the Housing Act 1996 and the Homelessness Act 2002:

- People who are homeless, as defined by Section 175 Part VII of the 1996 Housing Act.
- People that have been found in priority need for accommodation by the local authority under section 190(2), 193(2), or 195(2) of the Housing Act 1996 or under S65(2) or S68(2) of the Housing Act 1985.
- People that are occupying a property secured by the local authority under Section 195(3) of the Housing Act 1996 (persons not in priority need who are not intentionally homeless)
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to disability
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship to themselves or others.

Whilst Housing Authorities are required to give reasonable preference to the above groups they will not necessarily be given the same degree of preference. Housing Authorities are able to give additional preference in their allocation policy to households who have a particular urgent need for housing.

To ensure allocation policies meet local housing needs housing authorities are also able to give priority to other groups who are outside these reasonable preference categories as long as they do not dominate the scheme at the expense of those listed in the reasonable preference categories.

### 3.2 Cumulative Needs

This scheme takes account of customers who have more than one housing need and gives them additional priority e.g. a medical need and living in overcrowded conditions. They are placed in Band B.

### 3.3 Waiting Time – The ‘Effective’ Date

Priority is given to customers depending on their housing need but significant importance is also given to the length of time the customer has waited for a property. Priority within each Band is determined by the length of time the application has been placed in that Band. This is either the date of registration or the date of entry into a priority band.

Where a customer moves out of a priority band and into Band D their effective date will return to their date of registration.

### 3.4 The Banding Scheme

Customers applying for housing will have their housing need assessed in accordance with the following housing need categories and be placed in one of the four bands.

Information from the registration form will be used to assess housing need. In certain circumstances the customer may be required to provide additional information to enable a correct assessment of their current housing situation. Where appropriate, customers experiencing severe housing problems will be directed to voluntary and statutory agencies, for example the Local Authority Homelessness Section.

The customer's need for housing will be assessed when they first apply to join the register. At offer stage a further check will be carried out to confirm the housing situation and that there has been no change of circumstances.

Customers will be advised in writing of their band and will be advised of their right to a review if they believe that have been placed in an incorrect Band.

<b>Band A: Urgent Need for Housing</b>
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**a) Statutory Homeless**

Households that have been accepted by a participating local authority as unintentionally homeless, in priority need and with a local connection to that area.

**b) Victims of Domestic Abuse**

Priority will be given following an assessment made by the Local Authority or in the case of an existing social housing tenant by the relevant partner landlord.

c) Severe Harassment and Hate Crime

Victims of severe harassment and hate crimes where there is an urgent need to leave the property through violence or the threat of violence to the household or property.

Priority will be given following an assessment made by the Local Authority or in the case of an existing social housing tenant by the relevant partner landlord.

d) Severe Medical Need

- A person within the household who is living in or unable to return to a property due to a medical condition which prevents them from being able to access the property or necessary facilities at the property e.g. toilet and/or bathroom or there is significant risk of harm to them when accessing facilities.
- Armed Forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she or a member of their household, has sustained as a result of service.  
Customers will be required to complete a medical questionnaire to establish their medical need.
- People who have an urgent need for accommodation due to 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. Confirmation of this will need to be provided by a Doctor, specialist, or relevant professional.

e) Statutory Overcrowding

Households who have been assessed by Environmental Health as statutorily overcrowded as defined by the Housing Act 1985.

f) Unfit Properties

Households living in unsafe or unfit conditions as defined by the Housing Health and Safety Rating System and where there is a high risk of harm and intervention by the Local Authority on the grounds that the property is uninhabitable.

Owner occupiers will only be considered if they are elderly, disabled or have a mental health problem and their property is uninhabitable because it has fallen into disrepair and they do not have the financial means to repair the property themselves.

### g) Demolition or Regeneration Area

People losing their home due to a regeneration scheme within the area of one of the partner organisations; this includes council tenants, registered social landlord tenants, private tenants and owner occupiers living within the boundary of the regeneration area who need to move.

People living-in, with the main household, who require their own accommodation will qualify if it is their main or sole residency, are eligible to register with the scheme and can prove at least 12 months residency.

If it is deemed necessary to complete the regeneration programme additional priority by way of increased time within the Band will be given. This will be done after consultation with the Local Authority and other partner organisations within the regeneration area. Additional waiting time of up to 6 months can be awarded and will be given as it relates to the phasing requirements of the regeneration area.

Band B: High Need for Housing
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### a) Cumulative Preference

Where households have two or more of the following housing needs as listed in Band C, they will be awarded increased priority and placed in Band B:

- Harassment and hate crime
- Households needing to move to a particular locality on hardship Grounds
- Households overcrowded
- Households who lack or share facilities
- Medium medical need

### b) Supported Accommodation

People who have been living in supported accommodation for at least 6 months and who have been assessed as ready for independent living. This must be confirmed in writing by the support agency.

Customers can register when they move into supported accommodation and will be initially placed in the lowest banding. If they are later given Band B priority their effective date of registration will be taken as the date they moved into that providers supported housing.



c) Homelessness Prevention

Customers who are at risk of homelessness within 90 days, following an assessment made by a participating Local Authority's Housing Options Team where it is accepted that there would be a statutory homeless duty should a homelessness application be made later.

d) Children in Need

Young People who are referred by Children's Services following a housing and child in need assessment with a recommendation for housing having been made. This includes children leaving care.

All referrals by Children's Services will be made following the Joint Protocol – currently the Interim Protocol 16-17 year old presentations in relation to accommodation (March 2010) in Cumbria

e) Under Occupation

Social housing tenants of the partner organisations where they are now under occupying a house by 2 or more bedrooms.

Applicants will not be considered where they under occupied a property from the start of the tenancy.

<b>Band C: Medium Need for Housing</b>
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a) Non-Priority Homeless

- Households who have been accepted by a participating Local Authority as homeless but who have no priority need or are found to be 'intentionally homeless'.
- Households who are no longer owed the main homelessness duty as a result of refusing a reasonable offer of accommodation under sections 193(7) and 202 of the 1996 Housing Act.

b) Private Sector Tenancy

Households in a private tenancy who are likely to be homeless in 8 weeks. Customers will need to supply the legal Notice to Quit confirming the date the tenancy is due to end.

c) Harassment and Hate Crime

Households where there is evidence of persistent harassment. This is harassment that has had a detrimental effect on the lives of the applicant and their family but which has not led and is unlikely to lead to imminent violence or damage to their property.

d) Households Needing to Move to a Particular Locality on Hardship Grounds

Household who need to move to a particular locality within Cumbria to avoid hardship to themselves or others. This would include but is not limited to, people needing to move for employment, or to be near relatives to give or receive support. It would need to be seen as unreasonable to expect them to commute from their current home.

Customers would need to provide evidence of their need to move e.g. employer or health professional.

Where the move is to another Local Authority area within the scheme the customer would not need to have a local connection. They would however only receive priority for the Local Authority area into which they need to move.

e) Households Overcrowded

Overcrowding is assessed on the number of people within the household and the number of bedrooms in the property. See Appendix 4.

Families who have chosen to allow other persons to move into the property will not be considered overcrowded.

People who have access arrangements will not be considered as overcrowded as the children's main home will be classed as being with the partner who claims child benefit.

f) Unsatisfactory Housing

- Households who are sharing facilities with other people, to whom they are not related and who are not members of the same household.
- Households without access to the following:
  - Bath or shower
  - Inside toilet
  - Cooking facilities
  - Running hot water supply
  - Electric/gas needed for essential services

g) Medical Need

The customer has a medical condition that makes using toilet and bathroom facilities within the property difficult and they would benefit from alternative accommodation.

Customers will be required to complete a medical questionnaire to establish their medical need.

h) Under occupation

Social housing tenants of the partner organisations that are now under occupying a house by 1 bedroom.

Applicants will not be considered where they under occupied a property from the start of the tenancy.

Band D: Low Need for Housing
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People assessed as having low or no identified housing need.

### 3.5 Direct Offers

In some circumstances a property will be let directly to an applicant without being advertised. This is when: a sensitive letting is required due to the person's previous history; where there is an urgent need for housing and it would cause serious hardship or risk to the customer if they were required to bid for a property; there is a need to make best use of the housing stock or for other housing management reasons.

This is not an exhaustive list but examples of these instances are:

- Tenants of partner organisations that need to move on a temporary basis due to a fire or flood.
- People who are at imminent risk of violence and are to be housed through a witness protection programme.
- Vulnerable people who are to be housed as part of a multi-agency protocol where a full support package is in place.
- Where an existing social housing tenant is required to move to make best use of stock and suitable accommodation has not been secured through the Scheme e.g. to make available a fully adapted property, urgently required by a priority customer.
- Where there is a need agreed between housing and social services to provide a specific property for vulnerable individuals. For example where a property is required for people with learning disabilities to live together with support.
- Where a sensitive letting is required for a particular property because of previous issues of drug dealing, violence, public protection or anti-social behaviour.

When a direct let is made this information will be included in the lettings results which are published.

### 3.6 Homeless Households

Homeless applications will continue to be dealt with by the appropriate Local Authority in accordance with the relevant legislation and codes of guidance -. this includes dealing with appeals and reviews. Information regarding homelessness will be provided to homeless applicants by the Local Authority (or Local Authority agent).

However a key aim of the Cumbria Choice scheme is to address the issues of homelessness within the County and through the partnership to provide an improved service to those either homeless or threatened with homeless.

This will be achieved through sharing good practice and developing initiatives across the partnership. Through the use and development of improved ICT systems homeless households will be able to identify the housing options available to them and to have an informed view of how they can best resolve their housing needs.

Homeless households and those threatened with homelessness will have greater control and choice over where they live and through assisting them with these decisions the scheme aims to increase their commitment to both the home and the community into which they move.

Households who are found homeless or at risk of homelessness, in priority need and are unintentionally homeless, and, to whom a Local Authority has a duty under Part VII of the 1996 Housing Act will be placed in Band A. (Band A priority which is given on this basis will only apply to the Local Authority in which the homeless duty is owed).

These households will be able to bid for properties during a 6 week period. During this time the bidding pattern of such customers will be monitored to ensure that they are bidding and to identify those who are in need of further advice and assistance to help them through the process.

After the 6 week period, partner organisations have the right to place a bid on behalf of the homeless household. Where the bid is successful it will constitute an offer of accommodation in accordance with section 193(7) and 202 of the 1996 Housing Act. The offer will be made in writing and subject to appeal.

The homelessness duty will be discharged if an offer is made as a result of a successful bid on a suitable property.

Households who are no longer owed the main homelessness duty due to refusing a reasonable offer will be placed in Band C.

### 3.7 Households with a Disability

The scheme enables customers who require adaptations to 'bid' for any property in the scheme. The customer will be considered for the property on the same basis as the other applicants who have placed 'bids'.

Adapted properties or properties designed to disability standards are included within the scheme and will be offered firstly to those customers with a need for this property type. This will be made clear in the advert as well as information within the advert about the actual adaptations/accessible features.

### 3.8 Serious Offenders and Public Protection

Cumbria Choice will work with the Police and Probation Service through the Housing Offenders Protocol to manage any risk posed to the public.

Officers will attend case conferences and work with agencies where cases are referred to the Multi-Agency Public Protection Panel. A range of housing options will need to be considered and the partnership will seek to assist in identifying appropriate housing that meets the needs of the customer and the community.

In some circumstances this may restrict the choice of property available to the customer but they will wherever possible be given the opportunity to exercise some choice.

Section 4    How the Scheme Operates
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#### 4.1 Advertising the Properties

Choice based lettings are about the customer having choice in where they live. Properties will be advertised and customers 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 taking account of the banding priority of the applications and their time waiting.

The partnership organisations have agreed to advertise the majority of their properties through Cumbria Choice. Properties will be advertised on a weekly basis on both the website and in newsletter form.

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. They will (where appropriate) indicate the priority band of customers eligible to apply. 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 therefore be unavailable to let.

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.

Bids from customers will only be accepted if they meet all of the eligibility criteria for the property.

#### 4.2 Extra Care Properties

Properties which provide extra care facilities are provided under the Supporting People Programme. Customers requiring these properties will need to apply direct to the provider.

#### 4.3 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 less than 60 years. Property advertisements will clearly state the age requirements of customers able to 'bid' for a property.

### 4.4 Quota system

To allow customers in lower priority bands access to housing a quota system will be used. This allows a proportion of properties to be advertised as available only to those in a specific band. The system will be monitored to ensure that it does not operate to the detriment of those with a higher need for housing.

Local Authorities will individually agree the quota systems in their own areas in conjunction with their partner social housing providers. They will be individually decided to meet local requirements.

Partners will have formal agreements with the relevant local authority, specifying the % lets for each band. These will be reviewed by the partnership on an annual basis.

### 4.5 Re-advertised Properties

Where a property is being advertised for a second time due to no suitable applicants having bid initially, it may be offered on the basis of the first to place a bid. This will be dependant on the property type and an assessment of the reason for lack of bids. The customer will still need to meet any eligibility criteria.

### 4.6 The 'Bidding' process

Properties are advertised on a weekly cycle. Customers may bid on any advertised property that meets their needs. They are able to place up to 3 bids each week.

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 automated telephone bidding; by proxy bidding (see below 4.6).

A person may bid for any suitable property advertised in the scheme; this means any area covered by the scheme and any landlord advertising in the scheme. Bidding is not restricted to areas where a person may have a local connection unless the advert specifies 'local connection only'.

If a customer is bidding for more than one property they must indicate their order of preference. Customers 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 customers to make decisions about their choice of property and the likelihood of being successful. Within the bidding period, customers may withdraw bids and make further bids.

Only the customer whose bid is successful will be contacted.

### 4.7 Proxy Bids

The relevant Local Authority will be able to place bids on behalf of homeless households who have not made bids or not made any successful bids during the 6 week period. They will give due consideration as to whether it would be a 'suitable offer' should the bid be successful.

It is also appreciated that there will be a number of vulnerable customers who will require agencies to make bids on their behalf. Proxy bids will be taken from agencies and support groups where a formal arrangement has been agreed and the customer gives their consent for bids to be made on their behalf.

### 4.8 Shortlisting

At the end of the advertising period a shortlist of suitable applicants will be produced by the web based IT system.

Where priority is to be given to applicants with a local connection to the area this will be reflected in the shortlist. See local connection 4.9

The customer at the top of the shortlist will be made the offer unless there is reason not to do so. See 'The offer' 4.11.

Where a customer is at the top of more than one short list they will be offered the property of their first preference. Where there are two households with the same band and length of time on the register a decision to offer the property will be based on the household who would be most suitable for the property type.

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.

### 4.9 Local Connection

In situations where priority is to be given to applicants with a local connection the process will be:

- Banding priority will apply
- Within each Band those with a local connection to the Local Authority in which the property is located will be given a higher priority than those whose local connection is with other Cumbrian Authorities.
- Customers with no local connection to any Local Authority partner organisation within the Cumbria Choice scheme will be given the lowest priority.



Properties where no local connection is required will be identified through information given in the advert.

For some towns and villages where there is a high demand for housing additional priority will be given to customers who have a local connection to the particular town or village. Advert details will state where a customer having a local connection to the specific town or village will be given priority.

A local connection means that a customer has either:

- been resident in the Local Authority area or specified town/village for at least 6 out of the past 12 months or 3 out of the past 5 years.
- Is at present employed in the district or specified town/village. The local authority should obtain confirmation from the employer that the person is in employment and that the employment is not of a casual nature.
- Has close family connection with someone who lives in the Local Authority area or specified town/village. Family connection means: parents, adult children or brothers or sisters and foster carers or guardians who have been resident in the district for a period of at least 5 years.
- There are special circumstances which are considered to give rise to a local connection with the Local Authority area or specified town/village. For example this would include ex-servicemen.

The partnership aims to improve mobility within the sub region and will advertise at least 10% of all partner organisation properties to all customers across the sub region regardless of local connection.

### 4.10 Section 106's

Under the Planning Act some developments are subject to Section 106. This requires property to be let to customers with a local connection to stated Parishes. Where this applies only those applicants meeting the requirements of the Section 106 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.

### 4.11 The Offer

Prior to an offer being made the landlord of the advertised property will carry out a further verification of the customer's eligibility and priority. In certain situations the offer will not be made:

- If since joining the scheme an applicant has become ineligible.
- On verification of the applicants' details, the priority band was found to have been incorrectly awarded.

- 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 partner landlord has good housing management reason not to offer a property.

When an offer of the property is made the customer will be required to bring proof of their identity to the viewing; passport, photo driving licence, birth certificate etc.

### 4.12 Refusing and Non Replies to Offers

Customers will not be penalised for refusing an offer. They will continue to be able to bid for other properties.

**Note:** those household accepted as statutorily homeless and owed a duty to house will lose their priority status if they refuse a 'suitable offer of accommodation'.

If a customer does not reply to an offer within 2 working days of receiving the offer it is deemed to have been refused and the property will be offered to the second customer on the shortlist.

Where the customer has given their consent for someone to either act on their behalf or receive the offer, we will ensure notification is provided to them.

### 4.13 Local Lettings

Partner organisations may draw up local lettings policies for an area or estate to meet the specific needs of that local community. Local lettings policies may be used to tackle particular management problems and/or to address imbalances in the community.

Schemes will be drawn up where either, local residents or partner organisations have identified its benefit to the local community. These arrangements will be agreed and reviewed by the Partnership.

Where such a scheme applies a property may not always be offered to the bidder with the highest priority. Local Lettings schemes will be publicised to ensure openness and transparency in the lettings process.

### 4.14 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.

Section 5    The Review Process
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Customers who want to query a decision made in relation to their application to register and any other subsequent decisions are first able to speak to the Officer making the decision to have that decision clarified or amended. This is outside the review process and does not affect a customer's right to ask for a formal review of the decision.

5.1    There is a right to a review of a decision in the following situations:

- The customer disagrees with the band in which they have been placed.
- The customer considers that a decision has been reached based on incorrect information.
- The customer has been treated as ineligible on the basis of their immigration status.
- They have been treated as ineligible to join the register due to serious unacceptable behaviour.
- They have had their application suspended.

5.2    Customers will be notified in writing of decisions made in respect of the review and will be advised of their right to request a further review of that decision.

5.3    Where a customer is excluded or suspended from the Register they will be given full information on the reason for the decision. They will be advised of what action they need to take to rectify the situation and any appropriate advice or assistance available.

5.4    Customers must request a review of a decision within 14 days of being notified in writing, unless there are exceptional circumstances.

5.5    Customers must contact the partner organisation dealing with their application and will be advised to put their request in writing. However they are able to telephone or visit an office in person and request that their request for a review is taken in writing by an Officer. They must give reasons why they believe an incorrect decision has been made.

5.6    The review will be carried out by a senior officer in the organisation dealing with the application. That officer will not have been involved in making the original decision.

5.7    Cumbria Choice will aim to complete and inform the applicant in writing of the decision within 21 working days, after taking into account any additional information that has been provided by the customer. Alternatively, the customer will be advised of any time extension required to make the decision.

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- 5.8 The customer will be advised of the reasons for the decision and their right to request a further review if they are dissatisfied with the decision.
- 5.9 Customers must request a further review within 14 days of being notified in writing of the review decision. Customers will only be entitled to a further review if they have new information relevant to their case, that they want the review panel to consider.
- 5.10 Customers will be required to request a further review in writing and to submit additional information with their request. They will be advised that they are able to seek assistance from the partner organisation to make this request.
- 5.11 A review of the decision will be considered by a panel of at least 2 officers from within the partnership and one tenant representative. It will not include officers from the organisation that dealt with the review.
- 5.12 Cumbria Choice will aim to complete the second review and inform the applicant in writing, of the decision within 21 days of receiving all information from the customer. This period may be extended on notification to the customer.
- 5.13 A customer still has the right to continue with their complaint to the Ombudsman service.

## 6.1 Appendix 1 – Definition of Terms

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

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

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

Customers - those people applying to the scheme for housing.

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

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

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

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

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

Local Lettings - short term 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.

Social Housing Providers - the term for a variety of housing organisations that provide not for profit housing and included local authorities, housing associations.

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.

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

Void Times - the length of time a property stands empty before someone is able to move in.

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Hard to Let - low demand property where it takes longer to find a tenant.

Direct Let - available property that is not advertised but offered straight to an identified person.

Automatic Bidding - within the ICT system a means of expressing an interest in a property for someone, without them needing to make the bid themselves.

Starter/Probationary Tenancies - the tenancy given to new tenants by some organisations that has reduced security of tenure for 1 year.

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### 6.2 Appendix 2 - Contact Details for all Partner Organisations

Accent Housing Association  
Ambassador House  
Dalton Road  
Barrow-in-Furness  
LA14 1HZ  
Tel: 0845 6780599

Allerdale Borough Council  
Allerdale House  
New Bridge Road  
Workington  
CA14 3YJ  
Tel: 01900 702702

Barrow Housing Department  
Cavendish House  
78 Duke Street  
Barrow-in-Furness  
LA14 1RR  
Tel: 01229 876523

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

Copeland Borough Council  
The Copeland Centre  
Catherine Street  
Whitehaven  
CA28 7SJ  
Tel: 0845 0548600

Derwent & Solway Housing Association  
Stoneleigh  
Park End Road  
Workington  
CA14 4DN  
Tel: 01900 607500

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

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

Home Group  
The Copeland Centre  
Catherine Street  
Whitehaven  
CA28 7SJ  
Tel: 01946 517650

Impact Housing Association  
Nook Street  
Workington  
CA14 4EH  
Tel: 01900 842100

Riverside Housing Association  
English Gate Plaza  
Botchergate  
Carlisle  
CA1 1RP  
Tel: 0845 3458500

Two Castles Housing Association  
3 Castle Street  
Carlisle  
CA3 8SY  
Tel: 01228 547463

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

South Lakes Housing (ALMO)  
Little Aynam House  
Little Aynam  
Kendal  
LA9 7AH  
Tel: 0845 0570080



### 6.3 Appendix 3 - Eligibility Policy

The Cumbria Choice Scheme acknowledges that it is the main access to social rented housing for people wanting to live in Cumbria. In this respect it aims to be as open and inclusive as it can be to those people wanting to apply to the Register. It aims to make the scheme accessible to all, to encourage applications from people from all parts of the community, and to ensure that its policies and procedures do not discriminate.

Cumbria Choice scheme does operate a policy of not accepting onto the Register those Customers who are ineligible due to serious unacceptable behaviour. Customers will be suspended in certain other circumstances. This action will be taken in limited situations where options to assist the applicant have tried and failed.

This action is taken for the following reasons:

- Partner organisations within Cumbria Choice have a responsibility towards their existing tenants to put in place policies that allow them to live in safe and stable communities.
- Cumbria Choice wants to promote through its allocation policy the importance of good tenant behaviour amongst both existing and future tenants.

How decisions on eligibility will be administered:

- Blanket exclusions are unlawful and will not be made: an individual assessment will be made based on the circumstances relevant to each case.
- The partnership will ensure consistency in making decisions
- Decisions will be authorised by a senior officer.

A customer's eligibility for housing will be considered:

- At the time he or she applies to join the CBL Register
- At the point at which he or she is to be considered for an allocation of property

#### 1.0 Ineligible due to Serious Unacceptable Behaviour

1.1 Where Cumbria Choice is satisfied that an applicant or a member of their household is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant they are permitted to treat that applicant as ineligible for housing under section 160A (7) of the 1996 Housing Act.

1.2 When reaching a decision on whether an applicant is ineligible Cumbria Choice will follow the code of guidance for local authorities 2002 which sets out the 3 steps to consider when making an assessment:

- Is the behaviour unacceptable?: Behaviour will be regarded as unacceptable if it would have entitled the housing authority to a possession order if the applicant had been a secure tenant. This will be applied whether or not the applicant was actually a secure tenant. The behaviour must relate to the customer or a member of their household. Behaviour that relates to a person who is no longer a member of the household cannot be taken into account. e.g. an ex-partner.
- Is the unacceptable behaviour serious enough to make the applicant unsuitable as a tenant of the landlord?: Where there would be entitlement to a possession order the partnership will need to ensure that the behaviour was serious enough to make the person unsuitable to be a tenant of one of the housing organisations in the partnership.
- Is the behaviour current or has it improved?: Unacceptable behaviour will be behaviour at the time the application is considered. Previous unacceptable behaviour may not justify a decision to consider the applicant as unsuitable, if that behaviour can be shown to have improved.
- Where all three steps of the assessment have been satisfied the applicant will be treated as ineligible.
- Each decision will be taken based on the individual circumstances of the case. Where a decision is taken to treat a person as ineligible to join the register the information will be collated by the officer and passed to a senior officer for authorisation.

### 1.3 Identifying Serious Unacceptable Behaviour:

- Housing records will be used to identify issues such as: rents; repairs, estate management.
- Reports to be obtained from previous or current landlords.
- Reference to information held by other statutory and/or voluntary agencies. This includes information gained from police reports and where in operation through the information sharing protocol with the Police.

1.4 Customers who have unspent criminal convictions will be treated as ineligible for accommodation where they are guilty of serious offences that would threaten the safety of a local community. The Scheme will liaise with support agencies, the Police and Probation Service to consider the housing options for these customers, where appropriate. Spent convictions will not be taken into account.

1.5 Where a customer's behaviour is deemed to be unacceptable due to a disability the relevant support agencies will be contacted. A decision will then need to be made as to the level of support someone may need to sustain the tenancy. If the level of support is deemed to be sufficient they will be accepted onto the housing register.

1.6 In situations where the customer has been accepted as priority homeless with a duty to rehouse but is excluded from the register – these cases will be dealt with by negotiation between the parties outside the Cumbria Choice Scheme.

1.7 Consideration will be given to a customer making a new application if they are able to demonstrate with evidence, that the behaviour which led to the exclusion has changed and that there are no further incidents of serious unacceptable behaviour. The views of any support agency involved with the customer will be sought.

The onus is on the customer to make a new application. Customers can re-apply at any time.

1.8 In cases relating to serious offences or serious anti-social behaviour, periods in prison will not automatically be considered as evidence that unacceptable behaviour has ceased.

1.9 Customers that are ineligible to join the Register will be informed of the decision in writing and will be given the full reason for the decision.

1.10 Customers will be notified of what they need to do to be able to re-apply and where appropriate will be given advice on agencies to contact to assist them with this.

1.11 Customers will be notified of their right to request a review of the decision.

## 2.0 Suspension due to Unacceptable Behaviour

2.1 Cumbria Choice will suspend a customer where there is evidence of unacceptable behaviour. This is behaviour that is not serious enough to justify a decision to treat the customer as ineligible.

2.2 The Cumbria Choice scheme regards a housing debt as unacceptable behaviour for the purposes of this policy.

2.3 Housing debt from all tenures will be considered and includes current or former rent arrears and/or recharges for repairs from property damage.

2.4 Non housing debts will not be considered. This includes for example, housing benefit overpayments, mortgage arrears. These debts are either not legally enforceable in tenancy law as a condition of the tenancy or under grounds for possession in the Housing Act 1985.

2.5 Customers whose applications are suspended are accepted onto the register, are placed in housing need Bands and accrue waiting time but will be unable to make any 'bids' for properties. The suspension will be

lifted when they are able to show a change in their behaviour which means the suspension is no longer justified.

2.6 Where a customer has a debt each case will be considered individually and in certain circumstances the customer will not be suspended. Examples of where the customer will not be suspended includes but is not limited to:

- Customers who have been accepted by a participating local authority as unintentionally homeless and in priority need.
- The customer has been a victim of Domestic Violence
- The customer has an urgent need for housing
- The debt arose due to the customer's vulnerability.
- The customer was unable to pay due to circumstances other than deliberate non payment.

2.7 In circumstances where a debt is owed to a housing organisation and the customer is not to be suspended in accordance with section 2.6 the organisation to whom the debt is owed may decide not to make an offer of accommodation.

2.8 Customers who have been suspended due to debt owed to a Landlord will be required to clear the debt or:

- Agree and maintain a repayment plan for the debt for a period of at least 6 months and
- Have reduced the debt owed to less than £500.

2.9 Customers can request at any time to have the suspension removed where they are able to show an improvement in their behaviour.

2.10 Customers who are suspended will be included in the annual review of applications and will be given the opportunity to provide any details of action taken that they think may affect the suspension.

2.11 All customers that have been suspended from the Register will be informed of the decision in writing and will be given the full reason for the decision.

2.12 Customers will be notified of what they need to do in order to have the suspension removed and will be advised of any appropriate agencies that may be able to assist them.

2.13 Customers will be informed of their right to request a review of the decision.

## CD 02/10 – Appendix 1

### 6.4 Appendix 4 - Calculating Overcrowding

The following people will be expected to have their own bedroom. Where this is not the case the household will be assessed as overcrowded:

- Couple living together
- A parent in a single parent household
- Person aged 16 years or over
- Child over 7 years who would otherwise have to share with a child of the opposite sex.
- Child of the same sex where there is a 10 year age difference
- A further bedroom will be required where 3 children need to share a room.

### 6.5 Appendix 5 - Household Type and Property Size

Household	Bedsit	1 bed	2 bed	3 bed	4 bed	5+bed
Single person	✓	✓	✓	E		
2 Adults (couple)	✓	✓	✓	E		
2 Adults (non couple)			✓	E		
Single 1 child			✓	E		
Single 2 child			✓	✓		
Single 3 Child				✓	✓	
Single 3+ child				✓	✓	✓
Couple 1 child			✓	E		
Couple 2 child			✓	✓		
Couple 3 child				✓	✓	
Couple 3+ child				✓	✓	✓
Single over 55	✓	✓	✓	E		
Couple over 55	✓	✓	✓	E		
2+ Adults (non couple)			✓	E		

- E = households will be considered for this size of property in low demand areas.
- Households with access to children will not be able to include them as part of the household when looking at eligibility for property size.
- In the South Lakeland District Council area applicants without children cannot be considered for houses.