

Agenda item
16(a)

**CARLISLE
CITY COUNCIL**



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REPORT TO COUNCIL

PORTFOLIO AREA: HEALTH AND WELL BEING

Date of Meeting: 29/4/2003

Public

Yes

Key Decision: Yes

Recorded in Forward Plan:

Inside Policy Framework

Title: HOUSING ALLOCATIONS POLICY
Report of: HEAD OF ENVIRONMENTAL PROTECTION
Report reference: EPS.15/2003

Summary:

The report provides results of the Consultation exercise on the proposed new Allocation Policy as approved on 19/12/2002 (EX.400/02).

Recommendations:

It is recommended that the policy as at Appendix 1 be referred to Council for adoption as part of the Council's Policy Framework.

Contact Officer: Richard Speirs

Ext: 7325

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. A report (H.71/02) was submitted to the Executive on 19/12/2002 laying out the changes under the Homelessness Act 2002 required to the Housing Allocation Policy. In accordance with Section 167 Local Housing Authorities are required to have an allocation scheme for the allocation of housing accommodation.
- 1.2. Further to the report a request was made that the Head of Environmental Protection Services proceed to consult on the proposed new Housing Allocation Policy.

2. CONSULTATION

- 2.1 Section 162(7) of the Homelessness Act 2002 request Local Authorities before altering existing allocation schemes to:-
 - a) Send a copy of the draft Scheme to every RSL with which they have nomination rights, and
 - b) Ensure that those RSL's have a reasonable opportunity to comment on the proposals.
- 2.2 In line with Section 162(7) the draft policy was sent to the following RSL's:-

Two Castles Housing Association
Impact Housing Association
Anchor Trust
New Era Housing Association
Carlisle Housing Association
Nomad Housing
Eden Housing Association.
- 2.3. In line with Guidance from the Code of Guidance views were sought from statutory bodies and other agencies.
- 2.4. Only two organisations provided feedback in regards to the draft policy relating to moving from priority 2 to priority 1 status, the following:-
 - People who are homeless
 - People who are occupying housing that is overcrowded or unfit.

3. STAFFING/RESOURCES COMMENTS

There are no additional staffing resources.

4. HEAD OF FINANCE'S COMMENTS

None.

5. LEGAL COMMENTS

None.

6. CORPORATE COMMENTS

None.

7. RISK MANAGEMENT ASSESSMENT

7.1. The Council is required to have an Allocation Scheme which complies with the provisions of Part 6 of the Housing Act 1996 and the Homelessness Act 2002.

8. EQUALITY ISSUES

8.1. The Allocations Policy must not discriminate either directly or indirectly on grounds of race, ethnicity, sex or disability and must comply with any relevant codes of practice.

9. ENVIRONMENTAL IMPLICATIONS

None.

10. CRIME AND DISORDER IMPLICATIONS

10.1. The exclusion of applicants whose behaviour is unacceptable may increase stability and reduce incidents of anti-social behaviour on the estates of social housing landlords.

11. RECOMMENDATIONS

It is recommended that the policy as at Appendix 1 be referred to Council for adoption as part of the Council's Policy Framework.

12. REASONS FOR RECOMMENDATIONS

The Allocations Policy must not discriminate either directly or indirectly on grounds of race, ethnicity, sex or disability and must comply with any relevant codes of practice.

Carlisle City Council (the Council) Allocation Policy

1. Introduction

Nominations of persons for assured tenancies or assured shorthold tenancies with Registered Social Landlords will be made in accordance with this policy.

2. Eligibility

All persons aged 16 years or over will be eligible for consideration under this policy with the following exceptions.

2.1. Persons from abroad who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 unless they fall within a class prescribed by the Secretary of State which is eligible for an allocation of housing.

2.2. Certain other persons from abroad who are not subject to immigration control but are not habitually resident in the UK, Channel Islands, Isle of Man or Republic of Ireland.

2.3. Where the Council is satisfied that an applicant (or a member of the applicants household) is guilty of unacceptable behaviour which is serious enough to make him or her unacceptable to be a tenant the Council can decide that the applicant is not eligible for consideration.

2.3.1. For an applicant to be ineligible for consideration on the grounds of unacceptable behaviour the Council will need to be satisfied on all three of the following.

- I. The applicant or a member of his household has been guilty of unacceptable behaviour making him or her unsuitable to be a tenant of the Council.
- II. The unacceptable behaviour was serious enough to have entitled the Council to a possession order on any ground (other than ground 8) mentioned in Part 1 of the Schedule 2 to the Housing Act 1985, had the applicant been a tenant of the Council at the time.
- III. The applicant is unsuitable to be a tenant at the time the application is considered.

2.3.2. Applicants treated as ineligible because of unacceptable behaviour will be given written notification of the reasons for the decision and the right to request a review of that decision.

2.3.3. If an applicant who is deemed by the Council to be ineligible for consideration considers that his/her unacceptable behaviour should no longer be held against him/her then he/she can make a fresh application but would need to show that his/her behaviour had changed.

3. Statement of Choice

- 3.1. The Council will allow each applicant to express his or her choice in relation to the offer of accommodation.
- 3.2. The Council will endeavour where practicable to enable offers of accommodation within an applicants area(s) of choice.
- 3.3. The Council recognises that its ability to enable applicants to be rehoused in their area of choice will depend upon the availability of accommodation and the applicants relative priority under the Council's Allocation Scheme when measured against the priority of other applicants.
- 3.4. The Council will provide advice and assistance to applicants on the availability of accommodation and on their housing need assessments to enable applicants to make a reasoned choice of housing.

4. Allocation Scheme

- 4.1. Applicants will be placed in the following bands according to their housing need.

4.1.1. *Priority 1*

1. Urgent medical cases who.
 - (a) Require wheelchair adapted accommodation.
 - (b) Require rehousing due to chronic medical illness.
2. Occupants of accommodation rehoused in accordance with section 39 of the Land Compensation Act 1973.
3. Applicants who qualify under the Rent Agriculture Act 1976.
4. People who are homeless.
5. People who are occupying accommodation which is overcrowded, or is unfit, or is shared with another household, or is otherwise unsatisfactory for the applicants needs.

4.1.2. *Priority 2*

1. Applicants who fall into four or more of the following categories.
 - (a) People who are owed a homeless duty under sections 190(2), 193(2) or 195(2) of the Housing Act 1996 or who are being assisted under section 192(3).
 - (b) People who need to move on medical or welfare grounds.
 - (c) People who need to move to a particular locality to avoid hardship.

4.1.3. *Priority 3*

1. Applicants who fall into three of the categories set out under Priority 2.

4.1.4. *Priority 4*

1. Applicants who fall into two of the categories set out under Priority 2.

4.1.5. *Priority 5*

1. Applicants who fall into one of the categories set out under Priority 2.

4.1.6. *Priority 6*

1. All other applicants.

4.2. Determining Priorities

- 4.2.1. Applicants will be considered by ascending Priority group i.e. Priority 1 followed by Priority 2 and so on.

- 4.2.2. Applicants can move into higher or lower priority groups as their housing circumstances change.

- 4.2.3. Within each Priority group consideration will be by the date the applicant was placed into that group.

- 4.2.4. Applicants who are guilty of poor behaviour which is not serious enough to make them unsuitable to be a tenant (paragraph 2.3 refers) but which never the less constitutes a breach of tenancy conditions or causes nuisance or inconvenience to other members of the public will have their priority reduced to the next lowest Priority group. For example applicants could move from Priority group 3 to 4.

- 4.2.5. Applicants whose Priority is reduced for poor behaviour will be notified in writing of the reasons for the decision and will be able to request a review of the decision.

- 4.2.6. Applicants who can demonstrate an improvement in behaviour will be reinstated into the higher Priority group.

5. Refusals

- 5.1. Any applicants who views and refuses two reasonable offers of accommodation will not receive further consideration for a period of 12 months.

6. Information

- 6.1. Applicants have the right to request the following information.

- 6.1.1. Details of the Priority group they fall under.

- 6.1.2. The likely availability of accommodation appropriate to their needs.

7. Reviews

7.1. Applicants can request a review of the following decisions.

- (a) That they are not eligible for consideration because of unacceptable behaviour (para 2.3 refers).
- (b) That their priority has been reduced because of poor behaviour (para 4.2.4 refers).
- (c) Not to consider for a further offer for 12 months after 2 refunds (para 5.1 refers).

7.2. The Review will be carried out by a Senior Officer not involved in the original decision.

7.3. If not satisfied with the decision or the Review the applicant may appeal to the Council's Appeal Panel.

8. Offences

8.1. It is an offence for anyone seeking assistance from a housing authority under Part 6 of the Housing Act 1996 to

- (a) Knowingly or recklessly give false information, or
- (b) Knowingly withhold information which the housing authority has reasonably required the applicant to give.

8.2. Any applicant who commits an offence as described in paragraph 8.1 will immediately be deemed by the Council to be ineligible because of unacceptable behaviour.

8.3. The Council may also institute criminal proceedings in such instances.